

**PART A AND PART B
PERMIT APPLICATION**

VOLUME I OF II

PREPARED FOR

**LIDLAW ENVIRONMENTAL SERVICES
(THERMAL TREATMENT), INC.**

COLFAX, LOUISIANA

LAD 981055791

NOVEMBER 1997



G&E ENGINEERING
ENVIRONMENTAL CONSULTANTS

4915 S. SHERWOOD FOREST BLVD. • P.O. BOX 77510 (70879-7510) • BATON ROUGE, LA 70816 • (504) 292-9007 • FAX (504) 292-3614

November 14, 1997

RECEIVED
NOV 14 1997

RECEIVED

Mr. James H. Brent, Ph.D.
Administrator
LDEQ/HWD - Permit Section
P. O. Box 82178
Baton Rouge, LA 70884-2178

DEPT. OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE DIVISION
PERMIT SECTION

NOV 14 1997

Dept. of Environmental Quality
Hazardous Waste Division

RE: Hazardous Waste Permit Renewal Application
LAD 981055981
G&E File: 24216-00

LOG # 11-14-97-123

Dear Dr. Brent:

G&E Engineering (G&E) hereby submits Laidlaw Environmental Services (Thermal Treatment), Inc.'s hazardous waste permit renewal application on behalf of Laidlaw. Both Part I/A and Part II/B are submitted. In accordance with your letter of October 31, 1996, to Laidlaw, five copies of the Part II/B are submitted in three-ring binders. Also, in accordance with that October 31, 1996, letter, 15 copies of the Part I/A are submitted. Five copies of the Part I/A are bound in the binders and ten are bound separately.

In addition, G&E is submitting one bound copy of a document containing the existing permit language, suggested language for the permit when renewed, and the rationale for the suggested change in permit language. We hope this document will be useful in preparing the renewed permit.

Should you have any questions, please call either of the undersigned.

Sincerely,
G&E ENGINEERING

P. Timothy Tate

P. Timothy Tate, PE
Project Engineer

Peter A. Romanowsky
Peter A. Romanowsky, CHMM
Project Coordinator

PTT:pla

Enclosures: Part I/A and Part II/B Permit Application
Suggested Permit Language

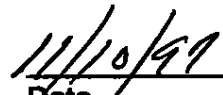
cc Mr. Jim Gallion, Laidlaw, Colfax

CERTIFICATION

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."



James Gallion
Vice President



Date

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PART A

For EPA Regional Use Only		<div style="text-align: center;"> EPA United States Environmental Protection Agency Washington, DC. 20460 Hazardous Waste Permit Application Part A (Read the Instructions before starting)</div>			
Date Received Month Day Year					
I. Installation's EPA ID Number (Mark 'X' in the appropriate box)		<input type="checkbox"/> A. First Part A Submission		<input checked="" type="checkbox"/> B. Part A Amendment # For Permit Renewal	
C. Installation's EPA ID Number		D. Secondary ID Number (If applicable)			
L A D 9 8 1 0 5 5 7 9 1					
II. Name of Facility					
L A I D L A W E N V S E R V (T H E R M T R E A T)					
III. Facility Location (Physical address not P.O. Box or Route Number)					
A. Street					
3 7 6 3 H i g h w a y 4 7 1					
Street (Continued)					
City or Town				State	Zip Code
C o l f a x				L A	7 1 4 1 7 - 5 6 1 4
County Code (If known)	County Name				
	G r a n t				
B. Land Type	C. Geographic Location			D. Facility Existence Date	
(Enter code)	LATITUDE (Degrees, Minutes, & Seconds) LONGITUDE (Degrees, Minutes & Seconds)			Month Day Year	
P	3 1 3 4 0 5 N 0 9 2 4 3 2 1 W			0 6 2 0 1 9 8 5	
IV. Facility Mailing Address					
Street or P.O. Box					
3 7 6 3 H i g h w a y 4 7 1					
City or Town				State	Zip Code
C o l f a x				L A	7 1 4 1 7 - 5 6 1 4
V. Facility Contact (Person to be contacted regarding waste activities at facility)					
Name (Last)			(First)		
G a l l i o n			J a m e s E S r		
Job Title			Phone Number (Area Code and Number)		
V i c e P r e s i d e n t			3 1 8 - 6 2 7 - 3 4 4 3		
VI. Facility Contact Address (See Instructions)					
A. Contact Address		B. Street or P.O. Box			
Location Mailing Other					
<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>					
City or Town				State	Zip Code

EPA Form 8700-23 (Rev. 11-30-93) Previous edition is obsolete. - 2 of 7 -

EPA I.D. Number (Enter from page 1)

Secondary ID Number (Enter from page 1)

L A D 9 8 1 0 5 5 7 9 1

XI. Nature of Business (Provide a brief description)

Thermal Treatment of Reactive Waste

XII. Process Codes and Design Capacities

- A. **PROCESS CODE** - Enter the code from the list of process codes below that best describes each process to be used at the facility. Thirteen lines are provided for entering codes. If more lines are needed, attach a separate sheet of paper with the additional information. For "other" processes (i.e., D99, S99, T04 and X99), describe the process (including its design capacity) in the space provided in item XII.
- B. **PROCESS DESIGN CAPACITY** - For each code entered in column A, enter the capacity of the process.
1. **AMOUNT** - Enter the amount. In a case where design capacity is not applicable (such as in a closure/post-closure or enforcement action) enter the total amount of waste for that process.
 2. **UNIT OF MEASURE** - For each amount entered in column B(1), enter the code from the list of unit measure codes below that describes the unit of measure used. Only the units of measure that are listed below should be used.
- C. **PROCESS TOTAL NUMBER OF UNITS** - Enter the total number of units used with the corresponding process code.

PROCESS CODE	PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY	PROCESS CODE	PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
Disposal:					
D79	Underground Injection	Gallons; Liters; Gallons Per Day; or Liters Per Day	T87	Smelting, Melting, Or Refining Furnace	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; or Btu's Per Hour
D80	Landfill	Acre-feet or Hectare-meter	T88	Titanium Dioxide Chloride Process Oxidation Reactor	
D81	Land Treatment	Acres or Hectares	T89	Methane Reforming Furnace	
D82	Ocean Disposal	Gallons Per Day r Liters Per Day	T90	Pulping Liquor Recovery Furnace	
D83	Surface Impoundment	Gallons or Liters	T91	Combustion Device Used In The Recovery Of Sulfur Values From Spent Sulfuric Acid	
D99	Other Disposal	Any Unit of Measure Listed Below	T92	Halogen Acid Furnaces	
			T93	Other Industrial Furnaces Listed in 40 CFR §260.10	
Storage:			T94	Containment Building-Treatment	Cubic Yards or Cubic Meters
S01	Container (Barrel, Drum, Etc.)	Gallons or Liters	Miscellaneous (Subpart X):		
S02	Tank	Gallons or Liters	X01	Open Burning/Open Detonation	Any Unit of Measure Listed Below
S03	Waste Pile	Cubic Yards or Cubic Meters	X02	Mechanical Processing	Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; or Kilograms Per Hour
S04	Surface Impoundment	Gallons or Liters	X03	Thermal Unit	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; or Btu's Per Hour
S05	Drip Pad	Gallons or Liters			Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; or Btu's Per Hour
S06	Containment Building-Storage	Cubic Yards or Cubic Meters			Cubic Yards or Cubic Meters
S99	Other Storage	Any Unit of Measure Listed Below	X04	Geologic Repository	Any Unit of Measure Listed Below
Treatment:			X99	Other Subpart X	
T01	Tank	Gallons Per Day or Liters Per Day			
T02	Surface Impoundment	Gallons Per Day or Liters Per Day			
T03	Incinerator	Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; or Btu's Per Hour			
T04	Other Treatment	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; or Btu's Per Hour			
T80	Boiler	Gallons or Liters			
T81	Cement Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; or Btu's Per Hour			
T82	Lime Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; or Btu's Per Hour			
T83	Aggregate Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; or Btu's Per Hour			
T84	Phosphate Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; or Btu's Per Hour			
T85	Coke Oven	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; or Btu's Per Hour			
T86	Blast Furnace	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; or Btu's Per Hour			

UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE
Gallons	G	Short Tons Per Hour	D	Cubic Yards	Y
Gallons Per Hour	E	Metric Tons Per Hour	W	Cubic Meters	C
Gallons Per Day	U	Short Tons Per Day	N	Acres	B
Liters	L	Metric Tons Per Day	S	Acre-feet	A
Liters Per Hour	H	Pounds Per Hour	J	Hectares	Q
Liters Per Day	V	Kilograms Per Hour	R	Hectare-meter	F
				Btu's Per Hour	I

EPA I.D. Number (Enter from page 1):

Secondary ID Number (Enter from page 1)

L A D 9 8 1 0 5 5 7 9 1

XII. Process Codes and Design Capabilities (Continued)

EXAMPLE FOR COMPLETING ITEM XII (Shown in line number X-1 below): A facility has a storage tank, which can hold 533,788 gallons.

Line Number	A. Process Code (From list above)	B. PROCESS DESIGN CAPACITY		C. Process Total Number Of Units	For Official Use Only
		1. Amount (Specify)	2. Unit Of Measure (Enter code)		
X 1	S 0 2	533,788	G	001	
1	X 0 1	0.658	N	001	
2	S 0 1	592,593	Y	010	
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					

NOTE: If you need to list more than 13 process codes, attach an additional sheet(s) with the information in the same format as above. Number the lines sequentially, taking into account any lines that will be used for "other" processes (i.e., D99, S99, T04 and X99) in item XIII.

XIII. Other Processes (Follow instructions from item XII for D99, S99, T04 and X99 process codes)

Line Number (Enter as in reg w/XII)	A. Process Code (From list above)	B. PROCESS DESIGN CAPACITY		C. Process Total Number Of Units	D. Description Of Process
		1. Amount (Specify)	2. Unit Of Measure (Enter code)		
X 1	T 0 4				In-situ Vitrification
1					
2					
3					
4					

EPA I.D. Number (Enter from page 1)

Secondary ID Number (Enter from page 1)

L A D 9 8 1 0 5 5 7 9 1

XIV. Description of Hazardous Wastes

A. EPA HAZARDOUS WASTE NUMBER - Enter the four-digit number from 40 CFR, Part 261 Subpart D of each listed hazardous waste you will handle. For hazardous wastes which are not listed in 40 CFR, Part 261 Subpart D, enter the four-digit number(s) from 40 CFR, Part 261 Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.

B. ESTIMATED ANNUAL QUANTITY - For each listed waste entered in column A estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in column A estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.

C. UNIT OF MEASURE - For each quantity entered in column B enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS	P	KILOGRAMS	K
TONS	T	METRIC TONS	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure taking into account the appropriate density or specific gravity of the waste.

D. PROCESSES**1. PROCESS CODES:**

For listed hazardous waste: For each listed hazardous waste entered in column A select the code(s) from the list of process codes contained in item XII A. on page 3 to indicate how the waste will be stored, treated, and/or disposed of at the facility.

For non-listed hazardous waste: For each characteristic or toxic contaminant entered in column A, select the code(s) from the list of process codes contained in item XII A. on page 3 to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

NOTE: THREE SPACES ARE PROVIDED FOR ENTERING PROCESS CODES. IF MORE ARE NEEDED:

- Enter the first two as described above.
- Enter "000" in the extreme right box of item XIV-D(1).
- Enter in the space provided on page 7, item XIV-E, the line number and the additional code(s).

2. PROCESS DESCRIPTION: If a code is not listed for a process that will be used, describe the process in the space provided on the form (D(2)).

NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER - Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

- Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B, C and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.
- In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "Included with above" and make no other entries on that line.
- Repeat step 2 for each EPA Hazardous Waste Number that can be used to describe the hazardous waste.

EXAMPLE FOR COMPLETING ITEM XIV (shown in line numbers X-1, X-2, X-3, and X-4 below) - A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operation. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

Line Number	A. EPA HAZARD WASTE NO. (Enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (Enter code)	D. PROCESS	
				(1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in D(1))
X 1	K 0 5 4	900	P	T 0 3 D 8 0	
X 2	D 0 0 2	400	P	T 0 3 D 8 0	
X 3	D 0 0 1	100	P	T 0 3 D 8 0	
X 4	D 0 0 2				Included With Above

EPA ID. Number (Enter from page 1)											Secondary ID Number (Enter from page 1)												
L	A	D	9	8	1	0	5	5	7	9	1												
XIV. Description of Hazardous Wastes (Continued)																							
Line Number	A. EPA HAZARDOUS WASTE NO. (Enter code)				B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (Enter code)	D. PROCESSES																
							(1) PROCESS CODES (Enter code)								(2) PROCESS DESCRIPTION (If a code is not entered in D(1))								
1	D	0	0	3	480,000	P	S	0	1	X	0	1											
2	D	0	0	1																		Same as D(1) above	
3	D	0	0	4																		Same as D(1) above	
4	D	0	0	5																		Same as D(1) above	
5	D	0	0	6																		Same as D(1) above	
6	D	0	0	7																		Same as D(1) above	
7	D	0	0	8																		Same as D(1) above	
8	D	0	1	0																		Same as D(1) above	
9	D	0	1	1																		Same as D(1) above	
10	K	0	4	4																		Same as D(1) above	
11	K	0	4	5																		Same as D(1) above	
12	K	0	4	6																		Same as D(1) above	
13	P	0	0	9																		Same as D(1) above	
14	P	0	4	8																		Same as D(1) above	
15	P	0	6	5																		Same as D(1) above	
16	P	0	8	1																		Same as D(1) above	
17	P	1	0	5																		Same as D(1) above	
18	P	1	1	2																		Same as D(1) above	
19	U	0	6	9																		Same as D(1) above	
20	U	0	8	8																		Same as D(1) above	
21	U	0	9	6																		Same as D(1) above	
22	U	1	0	5																		Same as D(1) above	
23	U	1	0	8																		Same as D(1) above	
24	U	1	1	5																		Same as D(1) above	
25	U	1	1	7																		Same as D(1) above	
26	U	1	3	3																		Same as D(1) above	
27	U	1	6	0																		Same as D(1) above	
28	U	2	3	4																		Same as D(1) above	
29																							
30																							
31																							
32																							
33																							

EPA I.D. Number (Enter from page 1)												Secondary ID Number (Enter from page 1)											
L	A	D	9	8	1	0	5	5	7	9	1												

XV. Map

Attach to this application a topographic map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in this map area. See instructions for precise requirements.

XVI. Facility Drawing

All existing facilities must include a scale drawing of the facility (see instructions for more detail).

XVII. Photographs

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (see instructions for more detail).

XVIII. Certification(s)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Owner Signature

Date Signed

11/10/97

Name and Official Title (Type or print)

James E. Gallion, Sr., Vice President

Owner Signature

Date Signed

Name and Official Title (Type or print)

Operator Signature

Date Signed

Name and Official Title (Type or print)

Operator Signature

Date Signed

Name and Official Title (Type or print)

XIX. Comments

XII line 1 - Yearly capacity is 480,000 pounds net explosive weight; this is equal to the 0.658 short tons/day value listed.

XII line 2 - While the volumetric capacity of each magazine is 59.3 cubic yards, each magazine can store no greater than 5,000 lbs. net explosive weight.

XIV.C. - Pounds Net Explosive Waste

Note: Mail completed form to the appropriate EPA Regional or State Office. (Refer to instructions for more information)

XV Map

The information required on this map is supplied on Figures 1 and 5 of the Part II application.

XVI Facility Drawing

The information required on this drawings is provided on Figures 1, 3, and 5 of the Part II application.

XVII Photographs

An aerial photograph is provided as Figure 2 of the Part II application.

PART B

Chapter 5
TITLE 33
ENVIRONMENTAL QUALITY
PART V. HAZARDOUS WASTE AND HAZARDOUS MATERIALS
SUBPART 1. DEPARTMENT OF ENVIRONMENTAL
QUALITY - HAZARDOUS WASTE
CHAPTER 5
PERMIT APPLICATION CONTENTS
SUBCHAPTER D.
PART II GENERAL PERMIT INFORMATION REQUIREMENTS

REGULATION:

517. Part II Information Requirements (the Formal Permit Application)

The formal permit application information requirements presented in this Section reflect the standards promulgated in LAC 33:V.Subpart 1. These information requirements are necessary in order to determine compliance with all standards. Responses and exhibits shall be numbered sequentially according to the technical standards. The permit application must describe how the facility will comply with each of the sections of LAC 33:V.Chapters 15–37 and 41. Information required in the formal permit application shall be submitted to the administrative authority and signed in accordance with requirements in LAC 33:V.509. The description must include appropriate design information (calculations, drawings, specifications, data, etc.) and administrative details (plans, flow charts, decision trees, manpower projections, operating instructions, etc.) to permit the administrative authority to determine the adequacy of the hazardous waste permit application. Certain technical data, such as design drawings, specifications, and engineering studies, shall be certified by a registered professional engineer. If a section does not apply, the permit application must state it does not apply and why it does not apply. This information is to be submitted using the same numbering system and in the same order used in these regulations:

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Response:

517. This document represents the formal permit application submitted for the renewal of the permit for the existing Laidlaw Environmental Service, Thermal Treatment (LESTT) Facility. The facility is presently operating under permit LAD981055791 issued by the Louisiana Department of Environmental Quality (LDEQ) and the U.S. Environmental Protection Agency (EPA). This application has been signed in accordance with the requirements of LAC 33:V.509 (see Section "Certification") and is being submitted to the administrative authority for their review. The facility operations, plans, and procedures described in this application comply with the applicable sections of the Louisiana Administrative Code. Written descriptions presented herein are accompanied by photographs, drawings, calculations, or other attachments, as appropriate, to provide the administrative authority with sufficient information to permit a proper review of the permit application. Technical supporting data are signed by a registered engineer where applicable.

Tables, figures, appendices, and attachments are contained in labeled tab sections behind the text of the permit application. Table 1 is a list of all the tables, figures, appendices, and attachments.

The format of the permit application corresponds to the same numbering system and the same order as used in the Louisiana Administrative Code Title 33, Part V. The applicant has noted those sections of LAC 33:V that do not apply and has provided supporting justification.

REGULATION:

517.A. a general description of the facility including hours of operation/day and days/week;

Response:

517.A. The LESTT Facility is located on the east side of Highway 471, approximately four miles north of Colfax in Grant Parish, Louisiana. The facility stores and thermally treats waste exhibiting the characteristic of reactivity (D003), except for those wastes

Chapter 5

listed as reactive by reason of cyanide or sulfide content. In addition, the reactive wastes treated may also carry codes D001, D004, D005, D006, D007, D008, D010, D011, K044, K045, K046, P009, P048, P065, P081, P105, P112, U069, U088, U096, U105, U108, U115, U117, U133, U160, and U234.

The facility includes an administrative/receiving area, a truck parking/staging area, storage magazines, an operating area (consisting of a preparation building and the burning areas), and buffer zones between the operating area and adjacent property lines. The facility layout is shown on Figure 1.

The applicant may choose to conduct facility operations at any time during a 24-hour day. The operating and administrative areas are equipped with floodlights to permit operations at night. The applicant is onsite during facility operations and can be available, by appointment, to conduct facility operations at any time. The actual treatment of wastes by open burning, however, takes place only during daylight hours (30 minutes after sunrise to 30 minutes before sunset).

REGULATION:

517. B. a topographic map or maps showing a distance of 1,000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet); contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. The map or maps shall clearly show the following:

Response:

517.B. A topographic map of the facility is shown on Figure 1. The map shows the facility boundaries, the adjacent property for a distance of at least 1,000 feet beyond the hazardous waste treatment area boundaries and topographic contours at an interval of 10 feet. The map is drawn at a scale of 1-inch equals 200 feet.

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REGULATION:

517.B.1. map scale and date;

Response:

517.B.1. The date of the topographic map used for the contours in Figure 1 is 1985. The date of the reference map for site features is 1994. The map is drawn at a scale of 1-inch equals 200 feet.

REGULATION:

517.B.2. orientation of the map (north arrow);

Response:

517.B.2. A north arrow is shown on the topographic map presented as Figure 1.

REGULATION:

3. 100-year floodplain area;

[Comment: Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain and a flood hazard map (Corps of Engineers or Department of Housing and Urban development). This identification must indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used. Where maps for the National Flood Insurance Program produced by FIA of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the 100-year floodplain. However, where the FIA map excludes an area (usually areas of the floodplain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine if the facility is within the 100-year floodplain, and if so located, what the 100-year flood elevation would be.]

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Response:

517.B.3. The 100-Year Floodplain limits for the geographic area containing the treatment facility and the facility location are indicated on the copy of the FEMA map that is included in Appendix 14. The FEMA map that includes the site is Community No. 220076, Panel 0115C, Flood Insurance Rate Map dated November 16, 1995. As indicated on the FEMA map, the facility is outside of the 100-Year Floodplain limits.

REGULATION:

517.B.4. surface waters including intermittent streams and surface flow through the site and a map of the potentiometric surface for aquifers within 100 feet of lowest elevation of disposal cells, or other facilities containing hazardous waste, from 1,000 feet upstream to 1,000 feet downstream, where practicable. Included should be a general area map and cross sections indicating the extent of freshwater sands, and the degree of isolation from waste sources by confining layers of clay;

Response:

517.B.4. Surface runoff leaves the facility via natural drainage swales as indicated by the ground surface contours shown on the topographic map (see Figure 1). The nearest permanently flowing stream is located over 1,000 feet from the facility boundaries. The operations of the facility do not significantly alter the natural drainage pattern and flow of surface water across the site.

There are no disposal cells at the site. Hazardous waste is handled on concrete pads which are constructed at or above grade. Appendix 8 to this permit application is an environmental assessment report for the site. Chapter 2 of this report deals with groundwater and the subsurface environment. Potentiometric maps of the two shallowest water bearing units, and cross sections based on site borings are presented in Appendix 8.

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REGULATION:

517.B.5. surrounding land uses (residential, commercial, agricultural, recreational, public) such as schools, hospitals, libraries, etc.;

[Comment: A map or aerial photograph showing surrounding land use for the area within two miles of the site is required.]

Response:

517.B.5. A 1994 aerial photograph of the facility and adjacent land is presented as Figure 2. The property line can be seen on the aerial photograph from the clearing done adjacent to the fence. The properties adjacent to the facility are undeveloped and well-vegetated with trees and brush. The nearest residence is located more than 900 feet from the facility boundaries. The nearest schools, hospitals, libraries, recreational, or public lands are located at least three miles from the facility. The nearest major roadway is Highway 471, which is located along the north portion of the west site boundary.

REGULATION:

517.B.6. legal boundaries of the TSD facility site;

Response:

517.B.6. A copy of the legal description of the facility boundaries is presented in Appendix 1. These boundaries are marked on Figures 4 and 5.

REGULATION:

517.B.7. access control (fences, gates);

Response:

517.B.7. Access to the facility from Highway 471 is controlled by a six-foot high fence topped with barbed wire with a six-foot high rail gate. The remaining site boundaries and adjacent land are fenced with six-foot high fencing .

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The storage magazines, preparation building, covered ash storage area, covered truck staging/parking area, and burners are enclosed by a single common six-foot high chain-link fence topped with barbed wire with a six-foot high rail gate. The fence around the hazardous material handling area has a padlocked gate. The main entrance to the site from LA Hwy 471 has an electronically locked gate.

Access to the operating area of the facility is controlled by a six-foot high fence topped with barbed wire. The fence is located as shown on Figure 3.

The fence locations around the operation area are shown on Figure 4. All gates are locked when facility personnel are not present in those areas, when treatment operations are in progress, or when the facility is closed. Figure 3 also shows the location of fire extinguishers.

REGULATION:

517.B.8. Injection and withdrawal wells both on site and off site;

[Comment: A map of all known wells, operating or abandoned, on the site and within two miles of the site perimeter as required in LAC 33:V.515.A.15, including the depth of wells, amount of pumpage, water level depth (annual maximum and minimum), and water analysis from the water well nearest the disposal site is also required.]

Response:

517.B.8. The water wells within a two mile radius of the open burning facility are on Figure 5 (Land Use and Water Well Map):

Table 3 lists those wells within two miles of the waste treatment area based on a data search of the Louisiana Department of Transportation and Development (LDOTD) registration files. Other information about the wells was obtained from the U.S. Geological Survey (USGS). Information on pumping rate and water levels is included in the table to the extent the USGS had information on these wells. Water quality analyses were available from the USGS for some wells. Table 3 indicates which wells have analytical data available. A copy of the analyses is in Attachment 6. With the exception of fairly

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high iron content common to many shallow wells in Louisiana, and high chloride in well 98, there is nothing remarkable in the analyses.

REGULATION:

517.B.9. the proposed location of groundwater monitoring wells as required under LAC 33:V.3315.A and B;

Response:

517.B.9.

In accordance with LAC 33:V.3301.C.4, the administrative authority has not required that the LESTT facility comply with regulations for releases into the uppermost aquifer under LAC 33:V, Chapter 33.

The regulations for miscellaneous units, Chapter 32, do not specifically require groundwater monitoring. Laidlaw has conducted an environmental assessment in accordance with its current permit. This environmental assessment demonstrated that the facility meets the environmental performance standards of Section 3203. Based on past evaluations of the site, periodic soil monitoring (but not groundwater monitoring) has been required. Furthermore, annual soil monitoring shows no impact.

REGULATION:

517.B.10. the proposed "point of compliance" as defined under LAC 33:V.3311;

Response:

517.B.10. Not applicable, since no groundwater monitoring is required, there is no point of compliance.

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REGULATION:

517.B.11. buildings, treatment, storage, or disposal operations; or other structures (recreation areas, runoff control systems, access and internal roads, storm sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, utilities, security facilities, etc.);

Response:

517.B.11 All items required by the regulation which are within the permitted area are shown on the map in Figures 1 and 3.

REGULATION:

517.B.12 barriers for drainage or flood control;

Response:

517.B.12. The site is outside the 100 year flood plain; therefore, no barriers for flood control exist. An earthen dam impounds a small lake near the administrative area. This dam and lake are shown on the map.

REGULATION:

517.B.13. location of operational units within the TSD facility site, where hazardous waste is (or will be) treated, stored, or disposed of (including equipment cleanup areas). (For large TSD facilities, the administrative authority may allow the use of other scales on a case-by-case basis); and

Response:

517.B.13. These features are shown on Figures 1 and 3.

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REGULATION:

517.B.14. natural features affecting offsite drainage pattern, transportation, utilities, and location of effluent discharges.

Response:

517.B.14. Natural features which affect the offsite drainage pattern, transportation, or utilities are the topography and surface water bodies which are shown on Figures 1 and 5. Process effluent is not discharged at this facility. Non-contact stormwater discharge outfalls are shown on Figure 1.

REGULATION:

517.C. site layout and facility design when phased construction is planned; the plans must indicate each phase and an accompanying schedule of construction;

Response:

517.C. No further construction is planned at this time for the facility. The layout as shown in Figure 1 is current and complete.

REGULATION:

517.D. chemical and physical analyses of the hazardous wastes to be handled at the facility which must be known to treat, store, or dispose of the wastes properly;

Response:

517.D. The incoming wastes will not be analyzed to obtain the chemical or physical characteristics due to the reactive nature of the wastes that will be treated at this facility. Chemical analyses for the wastes treated at the facility are published by the generator, other reputable sources, the Department of Defense, the Louisiana Department of Public Safety, or the Louisiana Department of Environmental Quality. Only waste that is treatable

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at the facility will be accepted. The facility stores and treats wastes that are classified as reactive and listed in Section 517.A. and Part I of this permit application.

Analysis of the waste is discussed in the Waste Analysis Plan, Appendix 2.

REGULATION:

517.E. a copy of the waste analysis plan required by LAC 33.V.1519.B;

Response:

517.E. See Appendix 2 for the Waste Analysis Plan.

REGULATION:

517.F. a description of the security procedures (including entry control, hours manned, lighting, monitoring, and other procedures to prevent unauthorized entry) and equipment required by LAC 33.V.1507 or a justification demonstrating the reasons for requesting a waiver of this requirement;

Response:

517.F. The security procedures, equipment, and signs are described in Section 1507 of this permit application. All gates are locked when the facility is closed, when facility personnel are not present in a given area, or when preparation or treatment activities are in progress.

Clear zones are provided around the storage magazines and the treatment areas for security and to provide access for emergency personnel and equipment, if necessary. Type ABC fire extinguishers, water hoses, and telephones will be located throughout the facility at the approximate locations indicated on Figure 3. The pond in the administrative area may serve as a temporary alternate source of water in an emergency situation, if needed.

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Fencing around the site and steel posts at corners of the magazines will serve as moving-equipment barriers and personnel barriers to prevent accidental contact with the wastes. Warning signs are posted every 50 feet along fences enclosing the facility, separating the facility administrative area from the operating area, and enclosing the storage units and the treatment areas. The signs read "Danger Unauthorized Personnel Keep Out." Warning signs restricting smoking, open flames, and radios are also posted.

REGULATION:

517.G. a copy of the general inspection schedule required by LAC 33:V.1509.B. Include, where applicable, as part of the inspection schedule, specific requirements in LAC 33:V.1709, 1719, 1721, 1731, 1907.I, 1911, 2109, 2309, 2507, 2703.A-G, 2907, 3119.B and C, and 3205;

Response:

517.G. The inspection schedule for the facility is provided as discussed in Section 1509 of this permit application. An inspection schedule is presented in Appendix 3. The inspection schedule addresses all operating and emergency equipment used at the facility. Inspection and maintenance are planned in accordance with manufacturer's recommendations, the requirements of the Louisiana Administrative Code, and RCRA, where applicable.

REGULATION:

517.H. a justification of any request for a waiver(s) of the preparedness and prevention requirements of LAC 33:V.1511;

Response:

517.H. The preparedness and prevention procedures are presented in Section 1511 of this permit application. Waivers have not been requested for this portion of the Louisiana Administrative Code.

REGULATION:

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REGULATION:

517.I. a copy of the contingency plan required by LAC 33:V.1513 [Note: Include, where applicable, as part of the contingency plan, specific requirements in LAC 33:V.2909];

Response:

517.I. The contingency plan is presented in Appendix 4.

REGULATION:

517.J. a description of procedures, structures, or equipment used at the facility to:

Response:

517.J. Procedures, structures, and equipment used during the operation of the facility and to respond to onsite unplanned events are discussed in Sections 1511, 1513, 1517, and 1521 of this permit application.

REGULATION:

517.J.1. prevent hazards in unloading operations (for example, ramps, special forklifts);

Response:

517.J.1. The containers of waste are unloaded and loaded in the storage and treatment areas by hand or with the assistance of appropriate mechanical devices in accordance with ATF and DOT guidance. The selection of the appropriate unloading method considers the material, weight and packaging of the waste, and safety requirements.

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REGULATION:

517.J.2. prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

Response:

517.J.2. The wastes delivered to the facility are shipped in DOT approved containers. The wastes are stored in these containers until they are removed from the storage area for treatment. The shipping containers are placed in fully enclosed storage magazines to keep them dry and to eliminate contact with surface runoff. The containers of wastes are taken to the preparation building for modification, such as perforating or opening when appropriate, to facilitate combustion. The wastes are then soaked in diesel fuel, or placed in the open burners and then soaked with diesel fuel. The treatment areas are visually inspected for evidence of spills after each batch of waste is treated. Any observed spills are promptly collected and treated. The ground surface around the storage, burning, and preparation units is graded to direct surface runoff away from them. The design of the operating units and the operating procedures utilized at the facility ensure that runoff does not come into contact with uncontained waste and will not be contaminated. Furthermore, the two truck parking/staging areas and the burners are provided with roofs to prevent the entrance of direct rainfall.

The facility is located outside of a 100-Year Floodplain limit. Flooding is not considered a concern for this facility.

REGULATION:

517.J.3 monitoring leachate control;

Response:

517.J.3. The requirement to monitor for leachate control is not appropriate for this facility. There are no above ground or below ground disposal or permanent storage units for hazardous wastes. Surface impoundments or waste piles are not present at this

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facility. It is possible that waste spills may occur in the treatment area; however, such spills will be small and will be collected immediately, as described above in Section 517.J.2.

REGULATION:

517.J.4. prevent contamination of water supplies;

Response:

517.J.4. Until actual treatment, the wastes remain in their original containers in fully enclosed storage units. During the treatment, the wastes are removed from storage, opened, and placed within the open burner. The potential for a spill to occur is minimal. Any spillage that does occur will be small in volume and will be collected and treated immediately in accordance with the procedures described in Section 1505.

Furthermore, information provided by the U.S. Department of Agriculture Soil Conservation Service (see Section 1503) indicates that the surficial soils are primarily clayey with low permeability. No below grade or above grade disposal or permanent storage of hazardous wastes are conducted at this site.

REGULATION:

517.J.5. monitor water and air pollution affecting area outside site;

Response:

517.J.5. As discussed in the response to §517.B.9, groundwater monitoring is not required. Stormwater discharges are monitored in accordance with the facility's NPDES permit.

Air monitoring was previously required on site, but after evaluation of the data from the early monitoring periods, the LDEQ, by letter of September 7, 1995, dispensed with its requirement for air monitoring. A soil monitoring program is also conducted to check for airborne contaminant transport to surrounding soils.

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REGULATION:

517.J.6. mitigate effects of equipment failure, power outages, inclement weather, or other abnormal conditions; and

Response:

517.J.6. During the actual thermal treatment process, power is used only for remote ignition of the burn. Once started, no additional application of power is required to insure a safe and complete thermal treatment; therefore, a loss of power does not result in unsafe operations.

The immediate effects of a power outage would be a shutdown of operations at the facility. A power failure would result in a loss of power to the preparation building and to the floodlights within the operating area. For safety reasons, full operations would not resume at the facility until power was restored.

Facility operations are not conducted during stormy weather or other abnormal conditions that could potentially affect the safety of onsite personnel and increase the possibility of an accidental fire or explosion.

The inspection and maintenance schedules presented in Section 1509 are designed to monitor all critical emergency and operating equipment for malfunctions or deterioration. The inspection procedures require timely response to any observed equipment problems. The inspection program is designed to minimize potential interruptions of facility operations or security systems and procedures that could occur as a result of equipment failure.

REGULATION:

517.J.7. prevent undue exposure of personnel to hazardous waste (for example, protective clothing).

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Response:

517.J.7 Section 517.T.7 of this permit application discusses protective measures that are implemented to protect the health and safety of facility personnel when handling wastes, particularly during emergency situations involving unplanned events. Facility employees are required to wear protective equipment when handling the wastes. Other measures to minimize the exposure of personnel to potential hazards associated with reactive wastes include annual training programs and refresher courses; constant visual monitoring while in the operations area; smoking, firearms, and open flame restrictions; and proper facility design for treatment and storage units.

REGULATION:

517.J.8. prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with LAC 33:V.1517; and

Response:

517.J.8. The procedures implemented at the facility to minimize unplanned events involving the wastes stored and treated at the site are discussed in Section 1517. The facility stores and treats wastes classified as reactive, as described in Section 517.A. The facility is designed to provide separate storage for incompatible wastes or isolation from incompatible equipment or systems. A containment wall is provided at each truck staging/parking space to separate incompatible wastes in the event of a spill.

Firearms, and open flames are not allowed in the operating area except as necessary for thermal treatment. Smoking is allowed in designated areas only. All storage magazines are fully enclosed and are well-ventilated. The magazines are built to the standards established for magazines by the Bureau of Alcohol, Tobacco, and Firearms.

REGULATION:

517.J.9. prevent nonpermitted releases to the atmosphere.

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Response: The site procedures used to ensure that no unpermitted wastes are received at the facility also ensure that there are no unpermitted releases.

REGULATION:

517.K. traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes, if appropriate; describe access road surfacing and load bearing capacity; show traffic control signals);

Response:

517.K. The maximum volume of traffic entering the facility is estimated to be approximately 24 vehicles per day. The maximum expected gross vehicle weight is about 10,000 pounds per truck.

Traffic access to the site is from Highway 471, as shown on Figures 4 and 5. The estimated vehicle count is 800 per day, based on a 1995 traffic count furnished by the LDOTD. The vehicles entering and exiting the facility form approximately three percent of this truck traffic and are not expected to significantly affect the service life of the highway or to interfere with existing traffic patterns. Turning lanes, traffic control signals, or other traffic control measures are not necessary. The total maximum expected facility vehicle traffic is low in volume. Sufficient staging area is located within the operations area and along the facility access road, as shown on Figures 1 and 3, to eliminate vehicle stacking on Highway 471.

The interior access roads are all-weather with gravel surfacing. The roads have a design load bearing capacity of 80,000 pounds.

REGULATION:

517.L. an outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with LAC 33:V.1515. A list of general qualifications of key operating positions and a brief description of how

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training will be designed to meet actual job tasks in accordance with these requirements;

Response:

517.L. The personnel training programs, refresher courses, training manual, training program participating by offsite emergency response agencies, and on site job descriptions, qualifications, and responsibilities are described in Sections 1513 and 1515 of this permit application.

An outline of the manual for the training program is presented in Appendix 5. The training manual describes the qualifications and responsibilities of key operations personnel. The training manual also includes discussions of the state and federal regulations governing hazardous wastes; the permit conditions; waste stream descriptions and potential hazards; normal operating procedures; appropriate protective measures when handling wastes; and a review of the contingency plan. The review of the contingency plan includes emergency responsibilities for each employee; emergency communications, monitoring, and alarm systems; role and identification of offsite emergency response teams; onsite emergency equipment; emergency procedures; cleanup procedures; and reporting requirements.

All appropriate employees will be required to attend the introductory training course and the annual refresher courses. The training program will include hands-on experience under the supervision of the facility operator to familiarize the employees with onsite equipment and systems.

REGULATION:

517.M. a copy of the closure plan and, where applicable, the post-closure plan required by LAC 33:V.3511, 3523, and 1915. Include, where applicable, as part of the plans, specific requirements in LAC 33:V.1915, 2117, 2315, 2521, 2719, 2911, 3121, 3203 and 3207;

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Response:

517.M. The closure plan for all units is presented in Chapter 35 of this permit application. A post-closure plan is not appropriate for the storage operations because no waste will remain onsite; all storage areas, treatment areas, staging areas, and the preparation building and equipment will be cleaned once the facility is closed.

REGULATION:

517.N. for hazardous waste disposal units that have been closed, a documentation that notices required in LAC 33:V.3517 have been filed;

Response:

517.N. Closure notifications and documentation are discussed in Sections 3503 and 3517 of this permit application. Laidlaw understands that within 60 days of completion of final closure, a certification of final closure must be submitted as required by LAC 33:V.3517.A. Because this facility does not have disposal units, the survey plat notification specified by LAC 33:V.3517.B is not required.

REGULATION:

517.O. the most recent closure cost estimate for the facility prepared in accordance with LAC 33:V.3705 and a copy of the documentation required to demonstrate financial assurance under LAC 33:V.3707. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the Part II;

Response:

517.O. The estimated costs to complete closure are presented in Section 3509. The total cost to close the facility is estimated to be \$165,926 based on the site layout shown on Figures 1 and 3. As required by LAC 33:V.3705.B, the closure cost estimate will be revised annually, as necessary, to adjust for inflation. Updates of the closure plan and costs will also be submitted to the administrative authority whenever permit revisions are

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requested that alter the facility operations, design, and closure activities. The current closure plan and cost estimate will be maintained onsite at the office facility and will be made available at all reasonable times to the administrative authority at their request.

The applicant has established financial assurance with a certificate of insurance. All requirements of LAC 3707.D. will be met in this regard. Financial assurance documentation will be provided prior to issuance of the final permit and within sixty (60) days of LDEQ approval of updated closure costs in Table 2, Chapter 35.

REGULATION:

517.P. where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with LAC 33:V.3709 plus a copy of the documentation required to demonstrate financial assurance under LAC 33:V.3711. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the Part II;

Response:

517.P. Post-closure maintenance and monitoring of the storage facility is not required. All waste will be removed from the treatment units at closure. Therefore, LAC 33:V.517.P does not apply to this site.

REGULATION:

517.Q. where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of LAC 33:V.Chapter 37. For a new facility, documentation showing the amount of insurance meeting the specification of LAC 33:V.Chapter 37 that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal;

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Response:

517.Q. A copy of the insurance policy for the facility is presented in Appendix 6. The liability coverage for sudden accidental occurrences and for non-sudden accidental occurrences are provided on the insurance certificates. Copies of the certificates of liability insurance are included in Appendix 6. The operator will submit originally signed duplicates of the certificates of insurance to the administrative authority within 60 days of the date the permit to operate is issued.

REGULATION:

517.R. where appropriate, proof of coverage by a state financial mechanism in compliance with LAC 33:V.Chapter 37;

Response:

517.R. The operator has established a certificate of insurance in compliance with LAC 33.V.Chapter 37.

REGULATION:

517.S. a wind rose (i.e., prevailing wind speed and direction) and the source of the information;

Response:

517.S. Wind roses for Shreveport, Lake Charles, and Baton Rouge are provided in Appendix 9 with other climatology information. This information was obtained from the Louisiana Office of State Climatology. That office does not maintain a wind rose for Alexandria or Colfax; however, the roses provided bracket the site to the northwest, southwest, and southeast.

REGULATION:

517.T. Facility Location Information:

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517.T.1. Seismic Standard In order to determine the applicability of the seismic standard, LAC 33:V.1503.A.3, the owner or operator of the facility must identify the political jurisdiction (e.g., parish, township, or election district) in which the facility is proposed to be located.

Response:

517.T.1. The facility is located in the Grant Parish, LA, Section 19 of T7N, R3W and Section 24 of T7N, R4W.

REGULATION:

517.T.1.a. The owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data (including federal hazardous waste regulations) or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

517.T.1.a.i. no faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within 3,000 feet of a facility are present, based on data from:

517.T.1.a.i.(a). published geologic studies, including cites from federal regulations which demonstrate that the requirements of this Section do not apply,

517.T.1.a.i.(b). aerial reconnaissance of the area within a five-mile radius from the facility,

517.T.1.a.i.(c). an analysis of aerial photographs covering a 3,000-foot radius of the facility, and

517.T.1.a.i.(d). if needed to clarify the above data, a reconnaissance based on walking portions of the area within 3,000 feet of the facility, or

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Response:

Appendix 13 presents a letter from the Louisiana Geological Survey stating that there are no known active faults in western Grant Parish.

REGULATION:

517.T.1.a.II. no faults may pass within 200 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within 200 feet of such portions of the facility, data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than 200 feet from portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within 3,000 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of any faults found, and shall be certified by an Independent Louisiana registered professional engineer or geologist.

Response:

517.T.1 See response at 517.T.1.a.i.

REGULATION:

517.T.2. 100-Year Floodplain

Response:

517.T.2. A copy of the FEMA map for the geographical area containing the facility is presented in Appendix 14. The FEMA map reference is Panel 0115C, Flood Insurance Rate Map, Community No. 220076, dated November 16, 1995. It may be seen that no part of the property is in the floodplain.

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REGULATION:

517.T.2.a. Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-Year Floodplain.

517.T.2.b. Owners and operators of facilities located in the 100-Year Floodplain must provide the following information:

517.T.2.b.i. The 100-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood;

517.T.2.b.ii. engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;

517.T.2.b.iii. structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

517.T.2.b.iv. If applicable, and in lieu of the above two provisions, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded including:

517.T.2.b.v. timing of such movement relative to flood levels, including estimated time to move the waste, showing that such movement can be completed before floodwaters reach the facility;

517.T.2.b.vi. a description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with LAC 33:V.Subpart 1;

517.T.2.b.vii. the planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and

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517.T.2.b.viii. the potential for accidental discharges of the waste during movement.

Response:

517.T.2.b. The facility lies outside of a 100-Year Floodplain limit. The requirements of LAC 33:V.517.T.2.b.i through viii do not apply to the LESTT facility.

REGULATION:

517.T.2.c. existing facilities *not* in compliance with LAC 33:V.1503.B.3 shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

Response:

517.T.2.c. The facility is located outside of the 100-Year Floodplain limits and is not required to comply with LAC 33:V.517.T.2.c or LAC 33:V.1503.B.3.

REGULATION:

517.T.3. Site geology, including:

517.T.3.a. certification by a geologist or independent Louisiana registered professional engineer specializing in geotechnical engineering that the ground and subsurface conditions at the site are acceptable for the planned purposes of the facility;

Response:

An environmental assessment report was prepared in January 1994 for the site. The report is included as Appendix 8 to this permit application. Section II of the Environmental Assessment Report contains a geotechnical investigation sealed by a registered professional engineer describing site conditions and recommendations for site foundations.

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517.T.3.b. Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

Response:

The Environmental Assessment contained in Appendix 8 identifies and provides potentiometric data on two aquifers beneath the site. The uppermost aquifer was investigated by MW2 and P3, P4, and P5. Wells or piezometers screened in this unit have depths of 40 to 50 feet below the ground surface. According to potentiometric data from December 1993, flow was toward the south-southeast with a gradient of 0.0046 ft/ft. The Environmental Assessment investigated the lower aquifer using means of MW1, P1, and P2. These wells and piezometers have total depths of 145 to 160 feet below the ground surface. The gradient in the lower aquifer in July was found to be toward the southeast with a magnitude of 0.0065 ft/ft.

No horizontal permeability values were given in the assessment, nor was a porosity determined. Assuming horizontal permeabilities to be about one order of magnitude greater than samples analyzed in the laboratory, or 5×10^{-4} cm/s, and assuming a porosity of 0.25, flow velocities are on the order of 10 feet per year in both water bearing zones.

517.T.3.c. soil types, textures, and conditions to depth of thirty feet below lowest elevation of planned disposal cells for impoundments, landfill and land treatment facility based on test holes at 200-foot intervals (or greater or less intervals if acceptable to the administrative authority);

Response:

This section does not apply because there are no disposal cells, landfill, or land treatment facility.

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517.T.3.d. logs of test holes and wells, including soil samples for each pertinent strata analyzed for soil type, texture, permeability, and other pertinent characteristics;

Response:

Section II of the Environmental Assessment contains boring logs, monitor wells diagrams, and descriptions of site soils.

517.T.3.e. general area map and cross sections indicating the extent of freshwater sands, and the degree of isolation of these aquifers to a depth of 1,000 feet from waste sources by confining layers of clay;

Response:

As noted on p. 2 of Section II of the January 1994 Environmental Assessment, the LA Geological Survey indicated that the Colfax area has not been fully investigated. From the same page of the Environmental Assessment, it was noted that Corps of Engineer borings yielded little information about the site. Cross sections to 1000 feet are therefore not available for Grant Parish.

517.T.3.f. on a topographic map, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under LAC 33:V.3311, the proposed location of groundwater monitoring wells as required under LAC 33:V.3315.A and B; and

Figure 1 is a topographic map which shows the waste management area. Figure 5 is a topographic map at a similar scale which shows the property boundary. Since groundwater monitoring is not required, neither the wells nor a point of compliance is shown on Figures 1 or 5.

517.T.3.g. detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of LAC 33:V.3315.A-H.

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Response:

As noted previously, the administrative authority has not required groundwater monitoring.

REGULATION:

517.T.4. Site hydrology, including:

REGULATION:

517.T.4.a. travel times in feet/day for normal drainage of each natural surface drainage system within 1,000 feet of the property;

Response:

517.T.4.a.

Topographic maps of the site indicate three (3) surface drainage systems that collect and direct water away from the site. Drainage system No. 1 (DS-1) originates near the southwestern corner of the property and flows toward the southwest into Bayou Grappe. Using Manning's equation and, travel time for normal drainage of this area is estimated to be 3.1 ft/sec or 267,840 ft/day. DS-2 originates near the southern boundary of the property and flows toward the southeast. Travel time for normal drainage of this area is estimated to be 0.894 ft/sec or 77,240 ft/day. DS-3 originates within the northern portion of the property and flows toward the northwest. Travel time for normal drainage of this area is estimated to be 1.34 ft/sec or 115,860 ft/day.

REGULATION:

517.T.4.b. climate factors:

517.T.4.b.i. the 24 hours/25 year storm rainfall;

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Response:

517.T.4.b.i Using data from the National Weather Service (Hershfield, D.M. 1961. "Technical Paper No. 40: Rainfall Frequency Atlas of the United States."), the estimated 24-hour/25-year storm rainfall is approximately 8.9 inches.

REGULATION:

517.T.4.b.II. maximum, minimum, and average temperature/month for past 10 years;

Response:

517.T.4.b.ii. Included in Appendix 9 is data with the mean maximum, mean minimum, and mean average temperature/month for the period of 1961 through 1990 for Alexandria, Louisiana.

REGULATION:

517.T.4.b.III. Impact of previous hurricanes on area;

Response:

517.T.4.b.iii. Climatological data in Appendix 9 shows the paths of hurricanes in Louisiana over 1901 through 1996. It may be seen that paths infrequently cross Grant Parish; however, by the time they crossed Grant Parish, the wind speed had fallen below hurricane strength.

REGULATION:

517.T.4.b.iv. comparison of rainfall and evapotranspiration rates; and

Response:

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517.T.4.b.iv. Appendix 9 contains a monthly summary of pan evaporation rates and of average precipitation. The average pan evaporation at the Red River station for 1977-93 was compared to the average monthly precipitation at Alexandria over 1960 through 1990. Precipitation exceeded pan evaporation in October through March. In other months, pan evaporation exceeds precipitation.

REGULATION:

517.T.4.b.v. prevailing wind direction (provide wind rose).

Response:

517.T.4.b.v. Appendix 9 contains wind roses for the Shreveport, Lake Charles, and Baton Rouge weather service offices. There is no data for the site itself. These three stations are the closest three which surround the site.

REGULATION:

517.T.4.c. A description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that:

517.T.4.c.i. delineates the extent of the plume on the topographic map such as required under LAC 33:V.521.B.4; and

517.T.4.c.ii. identifies the concentration of each Table 4, LAC 33:V.Chapter 33, constituent throughout the plume or identifies the maximum concentrations of each such constituent in the plume;

Response:

No plume of contamination is known to have entered the groundwater at the site; therefore, this section is not applicable.

517.T.4.d. If the presence of hazardous constituents have not been detected in the groundwater at the time of permit application, the owner or operator must

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submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of LAC 33:V.3317. This submission must address the following items specified under LAC 33:V.3317:

517.T.4.d.i. a proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;

517.T.4.d.ii. a proposed groundwater monitoring system;

517.T.4.d.iii. background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

517.T.4.d.iv. a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.

Response:

No groundwater monitoring has been required for the facility; therefore, this section is not applicable.

517.T.4.e. If the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of LAC 33:V.3319. The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of LAC 33:V.3321. To demonstrate compliance with LAC 33:V.3319, the owner or operator must address the following items:

517.T.4.e.i. a description of the wastes previously handled at the facility;

517.T.4.e.ii. a characterization of the contaminated groundwater, including concentrations of hazardous constituents;

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517.T.4.e.iii. a list of hazardous constituents for which compliance monitoring will be undertaken in accordance with LAC 33:V.3315 and 3317;

517.T.4.e.iv. proposed concentration limits for each hazardous constituent, based on the criteria set forth in LAC 33:V.3309.A, including a justification for establishing any alternate concentration limits;

517.T.4.e.v. detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of LAC 33:V.3315; and

517.T.4.e.vi. a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.

Response:

See response to 517.T.4.C.

517.T.4.f. If hazardous constituents have been measured in the groundwater which exceed the concentration limits established under LAC 33:V.3309, Table 1, or if groundwater monitoring conducted at the time of permit application under LAC 33:V.3301-3309 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of LAC 33:V.3321. To demonstrate compliance with LAC 33:V.3321, the owner or operator must address, at a minimum, the following items:

517.T.4.f.a.i. characterization of the contaminated groundwater, including concentrations of hazardous constituents;

517.T.4.f.a.ii. the concentration limit for each hazardous constituent found in the groundwater as set forth in LAC 33:V.3309;

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517.T.4.f.a.iii. detailed plans and an engineering report describing the corrective action to be taken; and

517.T.4.f.a.iv. description of how the groundwater monitoring program will demonstrate the adequacy of the corrective action.

Response:

517.T.4.f. No groundwater monitoring has been required for the facility; therefore, this section is not applicable. Hazardous constituents, except for common laboratory artifacts have not been detected in the groundwater at the site. The Environmental Assessment in Appendix 8 contains the results of the groundwater sampling at the site. No periodic groundwater monitoring has been required.

REGULATION:

517.T.5. Environmental factors, including:

517.T.5.a. list all known historical sites, recreational areas, archaeological sites, wildlife areas, swamps and marshes, habitats for endangered species, and other sensitive ecological areas within 1,000 feet of the site; and

Response:

517.T.5.a. There are no known historical or archaeological sites within the site or within 1,000 feet of the site boundaries. There are no ecologically sensitive areas or possible endangered species within 1,000 feet of the site or within the site boundaries. No known wildlife areas, swamps, or marshes are present at the facility or within 1,000 feet of the facility boundaries.

REGULATION:

517.T.5.b. Indicate measures planned to protect such areas listed from detrimental impact from the operation of the proposed facility.

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Response:

517.T.5.b. Protective measures for historical or archaeological sites or ecologically sensitive areas are not required because the continued operation of the facility does not impact such areas.

REGULATION:

517.T.6. Geographical factors

For an area within two miles of the proposed site, provide the following information:

REGULATION:

517.T.6.a. map or aerial photograph showing all buildings identified as residential, commercial, industrial, or public (schools, hospitals, libraries, etc.);

Response:

517.T.6.a. An aerial photograph of the facility and surrounding area within two miles of the facility boundaries is presented as Figure 2. The property boundary and treatment facility boundary can be easily seen on the aerial photograph due to the clearing along the fence lines. A land use map that identifies use of the structures seen in the aerial photograph is presented as Figure 5.

REGULATION:

517.T.6.b. population:

Response:

517.T.6.b. The estimated population within two miles of the facility is 150 people.

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REGULATION:

517.T.6.c. principal livelihood of residents for facilities located in rural areas;

Response:

517.T.6.c The majority of the residents located within the two mile limit are retired. The continuation of the storage and treatment operations at the facility does not impact the livelihood of these people.

REGULATION:

517.T.6.d. land use; and

Response:

517.T.6.d. A land use map is presented as Figure 5. The land adjacent to the facility is undeveloped and well-vegetated with trees and brush. As indicated on the map, the primary land use within two miles of the facility is the growth and harvest of timber for commercial use. The closest farm land is located along the Red River, approximately two miles away from the facility.

REGULATION:

517.T.6.e. road network, with average daily traffic count and route of trucks which will transport waste to the facility.

Response:

517.T.6.e. As shown on Figure 1, access to the facility is from Highway 471, which is adjacent to the north portion of the west boundary of the site. Vehicles delivering waste shipments to the site will enter from Highway 471. According to the LDOTD, Highway 471 had an average daily traffic count of 800 vehicles per day during 1995.

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REGULATION:

517.T.7. Operations plan, including:

REGULATION:

517.T.7.a classification and estimated quantities of wastes to be handled;

Response:

517.T.7.a The wastes treated at the facility are classified as reactive. No other wastes will be accepted, stored or treated onsite. The facility air permit determines the net explosive weight that can be treated annually ; however, no more than 55,950 pounds net explosive weight would be on site at one time, in magazines, undergoing preparation, awaiting unloading, or awaiting ignition.

REGULATION:

517.T.7.b. methods and processes utilized:

Response:

517.T.7.b. The wastes received will be thermally treated to reduce the hazard of final disposal. The wastes are shipped from offsite sources. At the checkpoint, the shipping documents and waste load are checked to determine acceptability of the waste shipments. Incompatible wastes are placed in separate, approved storage magazines until they can be treated onsite. The wastes may be taken from the storage units to the preparation building to modify the waste containers to facilitate thermal treatment. From the preparation building, the wastes are removed to the burning areas and placed in the open burners. The residue remaining after treatment is collected, containerized, and placed in temporary storage until it is shipped offsite for proper disposal.

REGULATION:

517.T.7.b.I. facility capacity for each disposal method;

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Response:

517.T.7.b.i. The facility stores and thermally treats wastes, but does not dispose of wastes onsite. This capacity is based on the limitations of the air permit.

REGULATION:

517.T.7.b.ii. detailed description of each process or method;

Response:

517.T.7.b.ii The wastes accepted at the facility are thermally treated by an open burning process. The wastes are shipped to the facility in DOT approved containers in accordance with the requirements of the DOT, the EPA, and the LDEQ. Incompatible wastes are stored and treated separately.

Waste containers are constructed of materials such as cardboard, plastic, metal, glass, and wood. Cone-shaped charges have an outer case constructed of glass, steel, or aluminum. The inner cone, or liner, is made of copper. Preparation procedures include opening the charge cases to render them less explosive, perforating the cases to facilitate combustion, or shortening the cases to expedite handling and thermal treatment. Perforating and shortening is accomplished using a drill press and a band saw that are remotely operated to minimize exposure of facility personnel. The drill bit and saw blade are automatically cooled by water to prevent accidental combustion of the reactive wastes by sparks or heat. The wastes and containers are placed in the open burner and ignited. The burn lasts approximately 7 to 8 minutes. The maximum temperature obtained during the treatment process is approximately 2,400 degrees Fahrenheit in a non-controlled air feed environment such as open trough burning. The LESTT burn process reduces the reactive compounds to a non-reactive condition, and burns or cleans the containers. After the burn is completed, the burner is allowed to cool for approximately 40 minutes. Residue remaining from the thermal treatment is collected, placed in a container, and stored in an approved storage area until it can be shipped offsite for disposal.

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After each batch of waste is burned, the burner and the ground surface adjacent to the burners and the preparation building are visually examined for evidence of spilled wastes. Spills are collected immediately and burned.

REGULATION:

517.T.7.b.III. storage and disposal procedures:

Response:

517.T.7.b.iii. The facility treats reactive wastes and provides storage for such wastes until they can be treated. Prior to treatment, wastes are stored in DOT approved containers and secured in storage magazines meeting ATF standards. The facility does not have onsite disposal or long-term storage units for hazardous wastes.

REGULATION:

517.T.7.b.III.(a). plans for receipt, checking, processing, segregation of incompatible wastes, and odor control; and

Response:

517.T.7.b.iii.(a). The wastes stored and treated at the facility are delivered by trucks from offsite sources. The waste vehicles proceed from Highway 471 to the facility office/checkpoint located in the administrative area. Incoming waste shipments are accepted only if they are accompanied by a manifest. The operator will notify the administrative authority of unmanifested offsite shipments in accordance with LAC 33:V.909.

The operator will visually check the incoming waste load against the shipping manifest to determine acceptability and accuracy. The operator will attempt to resolve any identified inaccuracies in waste manifests with the transporter or waste generator. If significant discrepancies cannot be resolved the operator will notify the administrative authority in accordance with the requirements of LAC 33:V.907.

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Acceptability of the waste will be determined by comparing the waste manifest with waste analyses that are maintained onsite at the facility office. The facility accepts only wastes listed in the response to Section 517.A. If a waste analysis is not found in the onsite waste references, the operator will contact the generator or knowledgeable agencies, such as the Department of Defense (DOD), the LDEQ, and the Louisiana Department of Public Safety (LDPS) to attempt to locate a waste analysis. The copy of new waste analyses will be obtained to permit a determination of the acceptability of the waste. Copies of the analyses will be entered into the operating record as an acceptable reference and maintained onsite for future use.

The operator will acknowledge the acceptance of the waste by signing the manifest in accordance with LAC 33.V.905. A copy of the manifest will be given immediately to the transporter. Within seven days of receiving the waste, a copy of the manifest is sent to the generator. A copy of the manifest is maintained at the facility for at least three years from the date of treatment of the waste. After the three year period, a summary, extract, electronic scan, or microfilm copy of the information will be retained at the facility to keep a record of the received waste loads until the facility is closed.

Incompatible wastes will be identified as part of the check-in procedures. Incompatible wastes are stored in separate storage units to eliminate accidental reaction that could cause an unplanned event. The waste delivery vehicles will be directed to the appropriate storage units. The truck staging/parking area has been sectioned with secondary containment structures to handle incompatible wastes in the event of a leak (see Figure 6). Trucks will have containment areas separate from each other.

Waste containers are not opened until they are removed from storage to the treatment areas. The nature of thermal treatment does not result in odor, therefore, no odor control measures are necessary at the facility.

REGULATION:

517.T.7.b.iii.(b). life of each facility based on projected use;

Response:

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517.T.7.b.iii.(b). The overall life of the facility is projected to be 25 years. The closure date, as noted in Section 3503.A.1 of this permit application, is scheduled for July 1, 2014.

The life expectancy of the storage units is at least 40 years. This estimate exceeds the expected life of the facility.

Properly maintained burn units are expected to have a service life corresponding to the intended service life of the facility. These units will be inspected and maintained or repaired, as needed, as required by LAC 33:V.1509.

Inspection and maintenance of onsite storage and treatment units and related equipment will be implemented in accordance with the procedures described in Section 1509 of this permit application. These procedures are designed to extend the operating life of the units and to prevent hazards to human health and the environment by malfunctions or deteriorations.

REGULATION:

517.T.7.b.iii.(c). describe record keeping procedures, types of records to be kept, and use of the records by management to control the operation; and

Response:

517.T.7.b.iii.(c). record keeping requirements and procedures are discussed in the responses to Chapters 9, 15, and 35 of this permit application.

Records kept at the facility include the following:

- operating record;
- copies of waste manifests with each type of waste referenced by the EPA classification number and published waste analysis;
- onsite waste activity records;

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- waste treatment details;
- copies of notices given to generators to assure them that the facility is permitted to accept reactive wastes;
- inspection, maintenance, and repair records;
- incident reports;
- copies of the permit application, closure plan, closure cost estimates, contingency plan, and any current plan or permit revision; and
- copies of all correspondence with the administrative authority.

Facility personnel will record in writing the details of the activities completed that require reporting. Required documentation may include the name of the employee, name of the facility, date of the activity, type of activity, results, projected schedules such as for non-immediate repairs, and identification of waste activity such as receipt, onsite transfer, and treatment.

All records are retained at the facility office and will be made available at all reasonable times to the administrative authority for their review at their request. Records will include written documents, receipts, plans, or photographs as appropriate.

Waste activity records will be kept current so that the location of all wastes stored onsite is known at all times to prevent mixing of incompatible wastes. The waste records will aid the operator in projecting storage availability, tracking elapsed time between storage and treatment of accepted wastes.

As a part of the review process, the applicant may request changes in the facility design, operation, and closure procedures to respond to projected waste stream changes such as in quantity, type, or handling procedures; to improve the efficiency of the facility operations; or to address safety concerns. Such changes may require a request to modify the existing permit conditions in accordance with LAC 33:V.321. Such revision requests will be submitted to the administrative authority for review and approval. The

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changes will not be implemented until written approval has been received from the administrative authority.

REGULATION:

517.T.7.b.III.(d). monitoring and recording of incoming wastes;

Response:

517.T.7.b.III.(d). Incoming waste monitoring and recording procedures are discussed in Section 1527 of this permit application.

Each load of incoming waste will be inspected at the facility office/checkpoint. An unloading report will be prepared as the waste is unloaded. Items on this unloading report will be checked against the waste manifest. Significant discrepancies or unmanifested wastes will be handled as described in Section 517.T.7.b.III.(a), above. The types of wastes listed on the manifest will be checked against profiles to verify their acceptability. The record for incoming wastes will include the source, form, quantity, EPA classification, and reference to the profile. Onsite storage, transfer, and treatment of the accepted wastes will be recorded, including locations, date, time, and type of movement or action taken with respect to the waste. The waste activity records will permit each incoming waste load to be tracked from the time it is received until it is treated.

The waste activity records will become part of the operating record of the facility. These records will be maintained at the facility office and will be available for inspection at all reasonable times by the administrative authority at their request.

REGULATION:

517.U. Special Requirements. Administrative authority may require additional provisions for special procedures or processes, for specific information for a supplementary environmental analysis, or for such information as may be necessary to enable the administrative authority to carry out his duties under other state laws;

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Response:

517.U. The plans and procedures for the design, operation, and closure of the facility comply with the applicable portions of the Louisiana Administrative Code. However, the applicant understands that the administrative authority may require additional information, clarification, or provisions to address special procedures or other items to permit them to complete their responsibilities as required under state law. The applicant will cooperate with the administrative authority by complying with such requests or by providing justification as to why such compliance is inappropriate for the facility.

REGULATION:

517.V. For land disposal facilities, if a case-by-case extension has been approved under LAC 33:V.2239 or a petition has been approved under LAC 33:V.2241 or 2242, a copy of the notice of approval for the extension or petition is required.

Response:

This is not a land disposal facility; therefore, this section is not applicable.

SUBCHAPTER E. SPECIFIC INFORMATION REQUIREMENTS

519. CONTENTS OF PART II. GENERAL REQUIREMENTS

REGULATION:

519.Part II of the permit application consists of the general information requirements of this Section, and the specific information requirements in LAC 33:V:519–549 applicable to the facility. The Part II information requirements presented in LAC 33:V:519–549 reflect the standards promulgated in LAC 33:V.Chapters 15–37. These information requirements are necessary in order for the administrative authority to determine compliance with LAC 33:V.Chapters 15–37.

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Response:

519. Laidlaw acknowledges the requirement to provide specific information.

520. Specific Part II Information Requirements for Groundwater Protection

The following additional information regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing a regulated unit except as provided in LAC 33:V.3301.B and C:

A. a summary of the groundwater monitoring data obtained during the interim status period under LAC 33:V.4367, 4369, 4371, 4373, and 4375, where applicable;

Response:

The site was never under interim status; therefore this requirement is not applicable.

B. Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

Response:

This information has already been provided in the response to 517.T.3.b.

C. on the topographic map required under LAC 33:V.517.B, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under LAC 33:V.3311, the proposed location of groundwater monitoring wells as required under LAC 33:V.3315, and, to the extent possible, the information required in LAC 33:V.520.B;

Response:

This information has already been provided in the response to 517.T.3.f.

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D. a description of any known plume of contamination that has entered the groundwater from a regulated unit at the time that the application was submitted that:

1. delineates the extent of the plume on the topographic map required under LAC 33:V.517.B; and

2. identifies the concentration of each constituent listed in LAC 33:V.3325 throughout the plume or identifies the maximum concentrations of each LAC 33:V.3325 constituent in the plume;

Response:

No plume of contamination is known to have entered the groundwater at the site; therefore, this section is not applicable.

E. detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of LAC 33:V.3315;

Response:

No groundwater monitoring has been required.

F. If the presence of hazardous constituents has not been detected in the groundwater at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program that meets the requirements of LAC 33:V.3317. This submission must address the following items specified under LAC 33:V.3317:

1. a proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;

2. a proposed groundwater monitoring system;

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3. background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

4. a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

Response:

No groundwater monitoring has been required.

G. If the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of the permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program that meets the requirements of LAC 33:V.3319. Except as provided in LAC 33:V.3317.H, the owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of LAC 33:V.3321, unless the owner or operator obtains written authorization in advance from the administrative authority to submit a proposed permit schedule for submittal of such a plan. To demonstrate compliance with LAC 33:V.3319, the owner or operator must address the following items:

1. a description of the hazardous waste code specified in LAC 33:V.Chapter 49 for the wastes previously handled at the facility;

2. a characterization of the contaminated groundwater, including concentrations of hazardous constituents;

3. a list of hazardous constituents for which compliance monitoring will be undertaken in accordance with LAC 33:V.3315 and 3319;

4. proposed concentration limits for each hazardous constituent, based on the criteria set forth in LAC 33:V.3309.A, including a justification for establishing any alternate concentration limits;

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5. detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of LAC 33:V.3315; and

6. a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

Response:

No groundwater monitoring has been required.

H. If hazardous constituents have been measured in the groundwater that exceed the concentration limits established under LAC 33:V.3309.Table 1, or if groundwater monitoring conducted at the time of permit application under LAC 33:V.4367, 4369, 4371, 4373, and 4375 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program that meets the requirements of LAC 33:V.3321. However, an owner or operator is not required to submit information to establish a corrective action program if he or she demonstrates to the administrative authority that alternate concentration limits will protect human health and the environment after considering the criteria listed in LAC 33:V.3309.B. An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program that meets the requirements of LAC 33:V.3319 and 520.F. To demonstrate compliance with LAC 33:V.3321, the owner or operator must address, at a minimum, the items listed in LAC 33:V.520.H.1-4 below (the permit may contain a schedule for submittal of the information required in LAC 33:V.520.H.3 and 4 provided the owner or operator obtains written authorization from the administrative authority prior to submittal of the complete permit application):

1. a characterization of the contaminated groundwater, including concentrations of hazardous constituents;

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2. the concentration limit for each hazardous constituent found in the groundwater as set forth in LAC 33:V.3309;

3. detailed plans and an engineering report describing the corrective action to be taken; and

4. a description of how the groundwater monitoring program will demonstrate the adequacy of the corrective action.

5. the permit may contain a schedule for submittal of the information required in LAC 33:V.520.H.3 and 4 provided the owner or operator obtains written authorization from the administrative authority prior to submittal of the complete permit application.

Response:

No groundwater monitoring has been required.

521. SPECIFIC PART II INFORMATION REQUIREMENTS FOR CONTAINERS

REGULATION:

Except as otherwise provided in LAC 33:V.2101 owners or operators of facilities that store containers of hazardous waste must provide the following additional information:

521.A. A description of the containment system to demonstrate compliance with LAC 33:V.2111. Show at least the following:

REGULATION:

521.A.1. Basic design parameters, dimensions, and materials of construction.

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Response:

521.A.1. The basic design details of the storage magazines are shown on Figures 8 and 9. The storage magazines are approximately 10 feet by 20 feet in area and 8 feet high. The floors, walls, roof, and doors are constructed of high tensile steel and covered with hardwood. The high tensile steel is coated with a non-reactive paint to protect the steel from corrosion or erosion. The magazines are ventilated to prevent the build-up of extreme heat and pressure or accumulation of moisture. The vent openings are screened. The magazines are grounded against lightning strikes. Magazines Nos. 8, 9 and 10 have 12-inch high thresholds and vertical extensions for floor vents to contain possible spills. The height of the thresholds and floor vent extensions are based on a design spill of 10% of the maximum stored waste volume.

The doors are double locked with 5 tumbler locks. The four corners of the magazines and the fences are posted with warning signs. Smoking, open flames, firearms, and other spark producing devices are prohibited within 50 feet of the magazines.

The covered staging area at the entrance of Magazine Nos. 8, 9, and 10 measures 107 feet long by 16 feet wide in plan. The maximum unloading capacity in this area has been determined to be 80 - 55 gallon drums of liquid wastes. The 16-inch high concrete walls are designed to contain 10% of this volume, plus moderate amounts of wind blown rainwater with 3-inches of freeboard remaining. Containment calculations for this area are included in Appendix 10 of this permit application.

The covered ash container storage area located at the rear of the preparation building measures 60 feet long by 18 feet wide. The 1500 gallon polyethylene washwater tank is also located in this area. Secondary containment for the ash container storage area and polyethylene tank has been provided, and consists of 6-inch high concrete curbing with a collection point near the center of the containment area. The 6-inch curbing will contain approximately 3400 gallons of liquid. Containment calculations for the ash storage polyethylene tank areas are included in Appendix 10 of this permit application.

The preparation building measures 40 feet long by 40 feet wide. The containment for the preparation area consists of concrete curbing (approximately 2-inches high) around the interior of the building, with a 2-inch radius curbing located at the entrance of

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the building for vehicle entrance. The design will contain approximately 1795 gallons of liquid. The slab is gently sloped to the center of the preparatory building.

The covered truck staging/parking area measures 107 feet long by 64 feet wide. Four truck parking spaces are provided with individual containment for the separation of incompatible wastes in the event of a leak. The containment wall is constructed of concrete with a total height of 16-inches. Each of the four parking areas contains a sump for rainwater collection. The 16-inch concrete walls are designed to contain 10% of a maximum truckload of drums and moderate amounts of wind blown rainwater, with approximately 3-inches of freeboard. Containment calculations for this area are included in Appendix 10 of this permit application.

The containment system that encompasses the concrete burner pad consists of a 18-inch high concrete wall. Located within the containment area is a concrete slab. The concrete access ramp provides entry to the slab for placement of wastes to be treated. The 18-inch high concrete walls are designed to contain moderate amounts of wind blown rainwater and to contain the contents of the burner trough or burner pot with approximately 3-inches of freeboard. The ground slab is gently sloped to the sumps located in the rear of the structure. Containment calculations for the open concrete burners are included in Appendix 10 of this permit application.

REGULATION:

521.A.2. How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system.

Response:

521.A.2. The design of the storage magazines ensures that standing liquids do not develop within the magazines and that the wastes do not come into contact with ponded water or precipitation.

The storage magazines are fully enclosed units. The inside walls are equipped with vents to prevent the accumulation of moisture within the magazines. The ground surface around the magazines is graded to direct surface runoff away from the storage units. The

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floors of the magazines are elevated approximately six inches above grade. Within the magazines, the containers of wastes are stacked on the floor of the storage unit.

The covered staging area at the entrance of Magazine Nos. 8, 9, and 10 is constructed for unloading liquid reactive wastes, wastes that are not water reactive, but packed in liquids, and wastes that are water reactive and packed in liquids. The packing liquids are water or mineral oil which are non-hazardous materials. Trucks will not be allowed to enter areas within the containment structure which contain accumulated precipitation. Containment areas will be checked for standing water after each major rain event and during routine inspections. The purpose of the containment in the unloading area is to contain any liquids that may spill during unloading. No waste containers will come in contact with standing liquids. The ground surface around the staging area is graded to direct surface runoff from entering the area.

The preparation building is covered to prevent rainfall from entering the area. The ground surface around the preparation building is graded to direct surface runoff away from the area.

The ground surface around the concrete burn slab is graded to direct surface runoff from entering the area. A retractable roof is provided over the burners to prevent the entrance of direct rainfall. Small quantities of precipitation may be collected and temporarily stored in the polyethylene washwater tank prior to final disposition of the liquid. The treatment process will not be conducted during inclement weather and the wastes will not come into contact with standing liquids.

REGULATION:

521.A.3. Capacity of the containment system relative to the number and volume of containers to be stored.

Response:

521.A.3. Each storage magazine has the capacity to store approximately 5,000 pounds net explosive weight (NEW) of wastes. The total capacity for the 10 magazines at the facility is 50,000 pounds of wastes.

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The covered staging area adjacent to Magazine Nos. 8, 9 , and 10 and the parking area are designed for container storage. The purpose for the containment is to provide containment in the event of a spill or leak. The 16-inch concrete walls are designed to contain 10% of a maximum truckload of drums and moderate amounts of wind blown rainwater with approximately 3-inches of freeboard.

The covered ash container storage area located at the rear of the preparation building stores non-aqueous ash in appropriate containers until they are full and can be mobilized for transfer to an appropriate permitted facility. The 1500 gallon polyethylene washwater tank is also located in this area. The 6-inch curbing will contain approximately 3400 gallons of liquid and can more than adequately store the solid contents of the containers or the liquids within the polyethylene washwater tank.

The containment system that surrounds each of the concrete burner pads will contain the contents of the burner trough or burner pot and moderate amounts of wind blown rainwater. The ground slab is gently sloped to the sumps located in the rear of the structure.

REGULATION:

521.A.4. Provisions for preventing or managing runoff.

Response:

521.A.4. The facility is located outside of a 100-Year Floodplain limit. As indicated in the topographic map (see Figure 1) the natural drainage swales and ground surface contours direct surface water offsite.

Localized runoff management consists of grading the ground surface adjacent to the open burners, storage areas, and truck staging/parking areas to maintain positive drainage. This measure minimally impacts the overall site drainage pattern.

The storage magazines are fully enclosed and elevated above the ground surface by six inches.

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The ash storage area, preparation building, staging/parking area, and the concrete burner pads are completely surrounded by a containment system and are elevated approximately 3-inches above the ground surface. The ground surface around these areas is graded to direct surface runoff or runoff away from the structure.

The truck parking/staging areas and the burners are provided with roofs to prevent the entrance of direct rainwater.

REGULATION:

521.A.5. How accumulated liquids can be analyzed and removed to prevent overflow.

Response:

521.A.5. Trailers stored on site are inspected prior to placement in the storage area; the storage area is inspected immediately after removal of a trailer. Waste found during the inspection is immediately addressed. There is, therefore, no chance of contact of waste from a trailer with stormwater.

Magazines are covered and, therefore, protected from rain. Any leakage of liquid waste inside a magazine is addressed immediately.

The hazardous ash is kept in a designated area at the preparation building. It is in sealed containers and, therefore, not accessible to rainwater.

REGULATION:

521.B. For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with LAC 33:V.2111.C including:

REGULATION:

521.B.1. test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

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Response:

521.B.1. Physical and chemical analyses are obtained from the generator. Additional knowledgeable sources that can provide analytical data include agencies such as the DOD, LDEQ, and LDPS. Profiles will be maintained at the facility for reference as part of the monitoring and surveillance procedures for verifying incoming waste shipments, as discussed in Chapter 9 and in Section 1519.

The profiles will show if the wastes contain free liquids. All incoming waste shipments will be checked against the shipping manifest to verify the acceptability of the wastes.

REGULATION:

521.B.2. a description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.

Response:

521.B.2. The storage magazines are designed to prevent water or other liquids from potentially contacting the stored waste. The preventive measures are discussed below.

The containers of wastes are stacked on the floors of the storage magazines. The floors are also elevated approximately six inches above the ground surface. The interior walls of the magazines are equipped with vents to prevent moisture accumulation. Pallets or other objects are stacked away from the vents. The ground surface is graded adjacent to the units to direct surface water away from the magazines.

REGULATION:

521.C. Sketches, drawings, or data demonstrating compliance with LAC 33:V.2113 (location of buffer zone and containers holding ignitable or reactive wastes) and LAC 33:V.2115.C (location of incompatible wastes), where applicable.

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Response:

521.C. The storage units and treatment units for the wastes are located no closer than 660 feet to the property lines of the facility. This distance exceeds the 50-foot requirement of LAC 33:V.2113. The buffer zones limits, the locations of the storage magazines, and treatment units are shown on Figures 1 and 3.

Incompatible wastes are identified as part of the procedures for monitoring incoming waste, as discussed in Chapter 9 and Section 1517. Incompatible wastes will be stored in separate magazines to prevent accidental reaction with other wastes. The distances between the magazines meet the requirements of the ATF. A clear zone around the magazine area will be kept free of ignitable material in accordance with current ATF requirements. The waste activity reports will note the location of all wastes onsite to prevent accidental mixing of incompatible wastes. This information will become part of the operating record for the facility.

REGULATION:

521.D. where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with LAC 33:V.2107.A–C, and 1517.B–D.

Response:

521.D. The wastes treated and stored at the facility are classified as hazardous because of their reactive characteristic. Possible hazard to human health and the environment is associated with the spread of fires or explosions and airborne debris. Procedures for handling containers of reactive wastes to minimize the potential for accidental fires or explosions are discussed in the responses to Chapter 21 and Section 1519 of this permit application.

The wastes arrive at the facility in DOT approved containers. The containers of wastes are not opened for testing; waste acceptability is verified using waste characterization data sheets or other existing chemical and physical waste analyses. The containers are loaded and unloaded from the waste delivery vehicle into the storage magazine prep building, truck unloading, or burn pad and from these locations to the

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onsite transfer vehicle. These waste containers are not opened until the wastes are moved from the storage units to the treatment area. Movement and location of waste onsite is recorded in the waste activity report to prevent accidental mixing of reactive wastes in the storage units. The waste activity report is part of the operating record of the facility.

Incompatible wastes are stored in separate magazines to prevent accidental reaction. As discussed in the response to Sections 1517.A and B, the storage magazines are ventilated to minimize build-up of extreme heat or pressure that could cause accidental reaction and are vented to prevent moisture accumulation.

LAC 33:V.1517.C does not apply to this facility because it does not have any landfill or other burial units.

523. SPECIFIC PART II INFORMATION REQUIREMENTS FOR TANKS

REGULATION:

Except as otherwise provided in LAC 33:V.1901, owners and operators of facilities that use tanks to store or treat hazardous waste must provide the following additional information:

523.A. a written assessment that is reviewed and certified by an independent, qualified registered professional engineer as to the structural integrity and suitability for handling hazardous waste for each tank system, as required under LAC 33:V.1903 and 1905;

523.B. dimensions and capacity of each tank;

523.C. descriptions of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

523.D. a diagram of piping, instrumentation, and process flow for each tank system;

523.E. a description of materials and equipment used to provide external corrosion protection, as required under LAC 33:V.1905.A.3.b;

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523.F. for new tank systems, a detailed description of how the tank system(s) will be installed in compliance with LAC 33:V.1905.B, C, D, and E;

523.G. detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of LAC 33:V.1907.A, B, C, D and F;

523.H. for tank systems for which a variance from the requirements of LAC 33:V.1907 is sought (as provided by LAC 33:V.1907.G):

523.H.1. detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water during the life of the facility, or

523.H.2. a detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment;

523.I. descriptions of controls and practices to prevent spills and overflows, as required under LAC 33:V.1909.B; and

523.J. for tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of LAC 33:V.1917 and 1919.

Response:

523. A 1,500 gallon polyethylene tank is located adjacent to the prep building for the storage of washwater generated during equipment decontamination, clean-up water from spills and possibly "de minimis" amounts of reactive and listed waste treated at the facility. Liquid waste will be held less than 90 days prior to disposal.

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The facility does not use tanks to store or treat hazardous waste; therefore, LAC 33:V.523 does not apply to this facility.

525. SPECIFIC PART II INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS

REGULATION:

Except as otherwise provided in LAC 33:V.105.D and 1501 and 305.B and C, owners and operator of facilities that treat, store or dispose of hazardous waste in surface impoundments must provide the following additional information:

A. a list of the hazardous wastes placed or to be placed in each surface impoundment;

B. detailed plans and an engineering report describing how the surface impoundment is designed and is or will be constructed, operated and maintained to meet the requirements of LAC 33:V.1504, 2903, 2904, and 2906. This submission must address the following items:

1. the liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought as provided by LAC 33:V.2903.B, submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;

2. the double liner and leak (leachate) detection, collection and removal system, if the surface impoundment must meet the requirements of LAC 33:V.2903.J. If an exemption from the requirements for double liners and leak detection, collection and removal system or alternative design is sought as provided by LAC 33:V.2903.C, K, or L, submit appropriate information;

3. If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system

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design and operation and the location of the saturated zone in relation to the leak detection system;

4. the construction quality assurance (CQA) plan, if required under LAC 33:V.1504;

5. proposed action leakage rate, with rationale, if required under LAC 33:V.2904 and response action plan, if required under LAC 33:V.2906;

6. prevention of overtopping; and

7. structural integrity of dikes;

C. a description of how each surface impoundment, including the double liner system, leak detection system, cover system, and appurtenances for control of overtopping, will be inspected in order to meet the requirements of LAC 33:V.2907.B, C, and E. This information must be included in the inspection plan submitted under LAC 33:V.517.G;

D. a description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of LAC 33:V.2907.B and C;

E. a certification by a qualified engineer which attests to the structure integrity of each dike, as required under LAC 33:V.2907.D. For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

F. a description of the procedure to be used for removing a surface impoundment from service, as required under LAC 33:V.2909.B and C;

G. a description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under LAC 33:V.2911.A. For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how LAC

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33:V.2911.B and C will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan;

H. if ignitable or reactive wastes are to be placed in a surface impoundment an explanation of how LAC 33:V.2913 will be complied with;

I. if incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how LAC 33:V.2915 will be complied with;

J. a waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2917. This submission must address the following items:

1. the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2. the attenuative properties of underlying and surrounding soils or other materials;

3. the mobilizing properties of other materials codisposed with these wastes; and

4. the effectiveness of additional treatment, design, or monitoring techniques.

Response:

525. An impoundment is situated adjacent to the burn units to collect any rainwater falling on the concrete slabs. The rainwater does not contact any hazardous waste management unit. The facility does not use surface impoundments to store, treat, or dispose of hazardous waste. LAC 33:V.525 does not apply to this facility.

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527. SPECIFIC PART II INFORMATION REQUIREMENTS FOR WASTE PILES

REGULATION:

Except as otherwise provided in LAC 33:V.105.D, 1501, and LAC 33:V.305.B and C, owners and operators of facilities that treat or store hazardous waste in waste piles must provide the following additional information:

- A. a list of hazardous wastes placed or to be placed in each waste pile;**
- B. if an exemption is sought to LAC 33:V.2303 and LAC 33:V.Chapter 33 as provided by LAC 33:V.2301.C, an explanation of how the standards of LAC 33:V.2301.C will be complied with;**
- C. detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated and maintained to meet the requirements of LAC 33:V.2303. This submission must address the following items as specified in LAC 33:V.2303.**
 - 1. the liner system (except for an existing portion of a pile), if the waste pile must meet the requirements of LAC 33:V.2303.A. If an exemption from the requirement for a liner is sought, as provided by LAC 33:V.2303.B, the owner or operator must submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituent into the groundwater or surface water at any future time;**
 - a. the double liner and leak (leachate) detection, collection, and removal system, if the waste pile must meet the requirements of LAC 33:V.2303.C. If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by LAC 33:V.2303.D, E, or F, submit appropriate information;**
 - b. if the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system**

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design and operation and the location of the saturated zone in relation to the leak detection system;

c. the construction quality assurance (CQA) plan if required under LAC 33:V.1504;

d. proposed action leakage rate, with rationale, if required under LAC 33:V.2304 and response action plan, if required under LAC 33:V.2306;

2. control of run-on;

3. control of runoff;

4. management of collection and holding units associated with run-on and runoff control systems; and

5. control of wind dispersal of particulate matter, where applicable.

D. If an exemption from LAC 33:V.Chapter 33 is sought as provided by LAC 33:V.2303 or 2307 submit detailed plans and an engineering report describing how the requirements of LAC 33:V.2303.B or 2307 will be complied with;

E. a description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenance for control of run-on and run-off, will be inspected in order to meet the requirements of LAC 33:V.2309.A, B, and C. This information must be included in the inspection plan submitted under LAC 33:V.517.G;

F. if treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

G. if ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of LAC 33:V.2311 will be complied with;

H. if incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how LAC 33:V.2313 will be complied with;

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I. a description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under LAC 33:V.2315.A. For any waste not to be removed from the waste pile upon closure, this owner or operator must submit detailed plans and an engineering report describing how LAC 33:V.2521.A and B will be complied with.

J. a waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027 describing how a waste pile that is not enclosed (as defined in LAC 33:V.2301.C) is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2317. This submission must address the following items:

1. the volume, physical, and chemical characteristics of the wastes to be disposed in the waste pile, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2. the attenuative properties of underlying and surrounding soils or other materials;

3. the mobilizing properties of other materials codisposed with these wastes; and

4. the effectiveness of additional treatment, design, or monitoring techniques.

Response:

527. The facility does not use waste piles to store or treat hazardous waste. LAC 33:V.527 does not apply to this facility.

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529. SPECIFIC PART II INFORMATION REQUIREMENTS FOR INCINERATORS

REGULATION:

Except as LAC 33:V.Chapter 31 provides otherwise, owners and operators of facilities that incinerate hazardous waste must fulfill the requirements of Subsection A, B or C of this Section.

A. When seeking an exemption under LAC 33:V.3105.B or C of this Part (ignitable, corrosive, or reactive wastes only):

1. documentation that the waste is listed as a hazardous waste in LAC 33:V.Chapter 49 of this Part, solely because it is ignitable (Hazard Code I) or corrosive (Hazard Code C) or both; or

2. documentation that the waste is listed as a hazardous waste in LAC 33:V.Chapter 49 of this Part, solely because it is reactive (Hazard Code R) for characteristics other than those listed in LAC 33:V.4903.C.4 and 5 of this Part, and will not be burned when other hazardous wastes are present in the combustion zone; or

3. documentation that the waste is a hazardous waste solely because it possesses the characteristics of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous waste under LAC 33:V.4903 of this Part; or

4. documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in LAC 33:V.4903.C.1, 2, 3, 6, 7 or 8 of this Part, and that it will not be burned when other hazardous wastes are present in the combustion zone; or

B. Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with LAC 33:V.3115; or

C. In lieu of a trial burn, the applicant may submit the following information:

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1. an analysis of each waste or mixture of wastes to be burned including:

a. heat value of the waste in the form and composition in which it will be burned;

b. viscosity (if applicable), or description of physical form of the waste;

c. an identification of any hazardous organic constituents listed in Table 1, LAC 33:V.Chapter 31, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Table 1, LAC 33:V.Chapter 31, which would reasonably not be expected to be found in the waste; the constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or their equivalent.

d. an approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110;

e. a quantification of those hazardous constituents in the waste which may be designated as POHC's based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in LAC 33:V.3111.

2. a detailed engineering description of the incinerators, including:

a. manufacturer's name and model number of incinerator;

b. type of incinerator;

c. linear dimension of incinerator unit including cross sectional area of combustion chamber;

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- d. description of auxillary fuel system (type/feed);**
 - e. capacity of prime mover;**
 - f. description of automatic waste feed cutoff system(s);**
 - g. stack gas monitoring and pollution control monitoring system;**
 - h. nozzle and burner design;**
 - i. construction materials;**
 - j. location and description of temperature, pressure, and flow indicating devices and control devices;**
- 3. a description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in Subsection C.1. of this Section. This analysis should specify the POHC's which the applicant has identified in the waste for which a permit is sought, and any differences from the POHC's in the waste for which burn data are provided.**
- 4. the design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;**
- 5. a description of the results submitted from any previously conducted trial burn(s) including:**
- a. sampling and analysis techniques used to calculate performance standards in LAC 33:V.3111;**
 - b. methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);**

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6. the expected incinerator operation information to demonstrate compliance with LAC 33:V.3111 and 3117 of this Part including:

- a. expected carbon monoxide (CO) level in the stack exhaust gas;**
- b. waste feed rate;**
- c. combustion zone temperature;**
- d. indication of combustion gas velocity;**
- e. expected stack gas volume, flow rate, and temperature;**
- f. computed residence time for waste in the combustion zone;**
- g. expected hydrochloric acid removal efficiency;**
- h. expected fugitive emissions and their control procedures;**
- i. proposed waste feed cut-off limits based on the identified significant operating parameters;**

7. such supplemental information as the administrative authority finds necessary to achieve the purposes of this Subsection;

8. waste analysis data, including that submitted in Subsection C.1 of this Section, sufficient to allow the administrative authority to specify as permit Principal Organic Hazardous Constituents (permit POHC's) those constituents for which destruction and removal efficiencies will be required.

D. The administrative authority shall approve a permit application without a trial burn if he finds that:

- 1. the wastes are sufficiently similar; and**

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2. the incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under LAC 33:V.3117 of this Part) operating conditions that will ensure that the performance standards in LAC 33:V.3111 of this Part will be met by the Incinerator.

Response:

529. The facility does not include an incinerator. LAC 33:V.529 does not apply to this facility.

530. SPECIFIC PART II INFORMATION REQUIREMENTS FOR PROCESS VENTS

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that have process vents to which LAC 33:V.Chapter 17, Subchapter A applies must provide the following additional information:

A. Facilities that cannot install a closed-vent system and control device to comply with the provisions of LAC 33:V.Chapter 17, Subchapter A on the effective date that the facility becomes subject to the provisions of LAC 33:V.Chapter 17, Subchapter A and Chapter 43, Subchapter Q, must provide an implementation schedule as specified in LAC 33:V.1709.A.2.

B. Documentation of compliance with the process vent standards in LAC 33:V.1707 must be provided, including:

1. Information and data identifying all affected process vents, annual throughput, and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan);

2. Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating

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parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur;

3. Information and data used to determine whether or not a process vent is subject to the requirements of LAC 33:V.1707.

C. Owners or operators who apply for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with the requirements of LAC 33:V.1707, and choose to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device must provide a performance test plan as specified in LAC 33:V.1713.B.3.

D. Documentation of compliance with LAC 33:V.1709 must be provided, including:

1. a list of all information references and sources used in preparing the documentation;

2. records, including the dates, of each compliance test required by LAC 33:V.1709.K;

3. a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," as incorporated by reference at LAC 33:V.110, or other engineering texts acceptable to the administrative authority that present basic control device design information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in LAC 33:V.1713.B.4.a;

4. a statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur;

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5. a statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater unless the total organic emission limits of LAC 33:V.1707.A for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

Response:

530. The facility does not have any process vents. LAC 33:V.530 does not apply to this facility.

531. SPECIFIC PART II INFORMATION REQUIREMENTS FOR LAND TREATMENT FACILITIES

REGULATION:

Except as otherwise provided in LAC 33:V.105.D, 1501, and 305.B and C, owners and operators of facilities that use land treatment to dispose of hazardous waste must provide the following additional information:

A. A description of plans to conduct a treatment demonstration as required under LAC 33:V.2707. The description must include the following information:

- 1. the wastes for which the demonstration will be made and the potential hazardous constituents in the waste;**
- 2. the data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);**
- 3. any specific laboratory or field test that will be conducted, including:**
 - a. the type of test (e.g., column leaching, degradation);**
 - b. materials and methods, including analytical procedures;**
 - c. expected time for completion;**

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d. characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices.

B. A description of a land treatment program, as required under LAC 33:V.2705. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

- 1. the wastes to be land treated;**
- 2. design measures and operating practices necessary to maximize treatment in accordance with LAC 33:V.2703.A including:**
 - a. waste application method and rate;**
 - b. measures to control soil pH;**
 - c. enhancement of microbial or chemical reactions;**
 - d. control of moisture content;**
- 3. provisions for unsaturated zone monitoring, including:**
 - a. sampling equipment, procedures, and frequency;**
 - b. procedures for selecting sampling locations;**
 - c. analytical procedures;**
 - d. chain of custody control;**
 - e. procedures for establishing background values;**
 - f. statistical methods for interpreting results;**

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g. the justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in LAC 33:V.2711.A;

4. a list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to LAC 33:V.1519;

5. the proposed dimensions of the treatment zone.

C. A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of LAC 33:V.2303. This submission must address the following items:

1. control of run-on;

2. collection and control of runoff;

3. minimization of runoff of hazardous constituents from the treatment zone;

4. management of collection and holding facilities associated with run-on and run-off control systems;

5. periodic inspection of this unit. This information should be included in the inspection plan.

6. control of wind dispersal of particulate matter, if applicable.

D. No food-chain crops are to be grown in or on the treatment zone of the land treatment unit.

E. A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under LAC 33:V.2709.A.8 and C.2. This information should be included in the closure plan and, where applicable, the post-closure plan.

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F. If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of LAC 33:V.2715 will be complied with.

G. If incompatible wastes, or Incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how LAC 33:V.2717 will be complied with.

H. A waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2723. This submission must address the following items:

1. the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2. the attenuative properties of underlying and surrounding soils or other materials;

3. the mobilizing properties of other materials codisposed with these wastes; and

4. the effectiveness of additional treatment, design, or monitoring techniques.

Response:

531. The facility does not use land treatment to dispose of hazardous waste. LAC 33:V.531 does not apply to this facility.

532. SPECIAL PART II INFORMATION REQUIREMENTS FOR DRIP PADS

A. Except as otherwise provided by LAC 33:V.Chapter 15, owners and operators of hazardous waste treatment, storage, or disposal facilities that collect,

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store, or treat hazardous waste on drip pads must provide the following additional information:

- 1. a list of hazardous wastes placed or to be placed on each drip pad;**
- 2. If an exemption is sought to LAC 33:V.Chapter 33, as provided by LAC 33:V.3301, detailed plans and an engineering report describing how the requirements of LAC 33:V.3301 will be met;**
- 3. detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated and maintained to meet the requirements of LAC 33:V.2805, including the as-built drawings and specifications. This submission must address the following items as specified in LAC 33:V.2803:**
 - a. the design characteristics of the drip pad;**
 - b. the liner system;**
 - c. the leakage detection system, including how the system is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;**
 - d. practices designed to maintain drip pads;**
 - e. the associated collection system;**
 - f. control of run-on to the drip pad;**
 - g. control of run-off from the drip pad;**
 - h. the interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;**
 - i. procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials,**

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including but not limited to rinsing, washing with detergents or other appropriate solvents, or steam cleaning and provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned;

j. operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;

k. procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and nonpressure processes is held on the drip pad until drippage has ceased; including recordkeeping practices;

l. provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;

m. if treatment is carried out on the drip pad, details of the process equipment used and the nature and quality of the residuals;

n. a description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of LAC 33:V.2805. This information should be included in the inspection plan submitted under LAC 33:V.517.G;

o. a certification signed by an independent qualified, registered professional engineer stating that the drip pad design meets the requirements of LAC 33:V.2805.A-F;

p. a description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under LAC 33:V.2809.A. For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how LAC 33:V.2521.A and B will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under LAC 33:V.517.M.

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Response:

532. The facility does not have any drip pads. LAC 33:V.532 does not apply to this facility.

533. SPECIFIC PART II INFORMATION REQUIREMENTS FOR LANDFILLS

REGULATION:

Except as otherwise provided in LAC 33:V.105.D, 1501, and 305.B and C, owners and operators of facilities that dispose of hazardous waste in landfills must provide the following additional information:

A. a list of the hazardous wastes placed in each landfill or landfill cell;

B. detailed plans and an engineering report describing how the landfill is designed and is or will be constructed, operated and maintained to comply with the requirements of LAC 33:V.1504, 2503, 2504, and 2507. This submission must address the following items:

1. the liner system (except for an existing portion of a landfill), if the landfill must meet the requirements of LAC 33:V.2503.A. If an exemption from the requirement for a liner is sought as provided by LAC 33:V.2503.L, submit detailed plans and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;

2. the double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of LAC 33:V.2503.K. If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by LAC 33:V.2503.L or M, submit appropriate information;

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3. If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation and the location of the saturated zone in relation to the leak detection system;

4. the construction quality assurance (CQA) plan if required under LAC 33:V.1504;

5. proposed action leakage rate, with rationale, if required under LAC 33:V.2504, and response action plan, if required under LAC 33:V.2508;

6. control of run-on;

7. control of runoff;

8. management of collection and holding facilities associated with run-on and runoff control systems; and

9. control of wind dispersal of particulate matter, where applicable;

C. there are no exemptions from the groundwater protection requirements of LAC 33:V.Chapter 33;

D. a description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of LAC 33:V.2507.B, C, and D. This information should be included in the inspection plan submitted under LAC 33:V.517.G;

E. detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with LAC 33:V.2521.A, and a description of how each landfill will be maintained and monitored after closure in accordance with LAC 33:V.2521.B. This information should be included in the closure and post-closure plans;

F. If ignitable or reactive wastes will be landfilled, an explanation of how the standards of LAC 33:V.2511 will be complied with;

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G. If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how LAC 33:V.2513 will be complied with;

H. bulk or non-containerized liquid waste or wastes containing free liquids to be landfilled must comply with LAC 33:V.2515;

I. if containers of hazardous waste are to be landfilled, an explanation of how the requirements of LAC 33:V.2517 or 2519, as applicable, will be complied with;

J. a waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2523. This submission must address the following items:

1. the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2. the attenuative properties of underlying and surrounding soils or other materials;

3. the mobilizing properties of other materials codisposed with these wastes; and

4. the effectiveness of additional treatment, design, or monitoring techniques.

Response:

533. The facility does not use landfills to dispose of hazardous waste. LAC 33:V.533 does not apply to this facility.

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534. SPECIFIC PART II INFORMATION REQUIREMENTS FOR MISCELLANEOUS UNITS

Except as otherwise provided in LAC 33:V.3201, owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units must provide the following additional information:

A. a detailed description of the unit being used or proposed for use, including the following:

1. physical characteristics, materials of construction, and dimensions of the unit;

The facility includes an administrative/receiving area, a truck parking/staging area, storage magazines, an operating area (consisting of a preparation building and the burning areas), and buffer zones between the operating area and adjacent property lines. The facility layout is shown on Figure 1.

Storage magazines are designed in accordance with the requirements established by the Bureau of Alcohol, Tobacco, and Firearms. The magazines are 10 feet by 20 feet in area and 8 feet high. The interior roof, doors, floors, and walls are lined with hardwood paneling. Vents are installed to permit proper ventilation and to prevent the build-up of extreme heat or pressure. The ventilation openings are screened. The magazines are grounded to prevent the occurrence of an accidental fire or explosion from a lightning strike. The doors of the magazines are double locked with 5 tumbler locks that are covered with steel hoods. The design of the magazines is shown on Figures 8 and 9. A covered truck staging area is adjacent to the entrance of three of the storage magazines that are labeled as Nos. 8, 9, and 10 on Figures 1 and 3. The secondary containment at the truck staging area will contain any spills of liquids that may occur during transfer.

The preparation building is 40 feet wide by 40 feet long in plan area with a concrete apron at the entrance. The preparation building is supplied with electric power to operate the drill press and band saw used for preparation activities. All electrical switches, motors, controls, and lights conform to the requirements of Class II, Division 2 of the National Electric Code. A container storage area for hazardous ash is located at the rear of the

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preparation building. This area measures 18 feet wide by 60 feet long in plan with a 6" high berm to provide secondary containment.

A 1,500 gallon polyethylene tank is located adjacent to the container storage area for the storage of washwater generated during equipment decontamination, clean-up water from spills and possibly "de minimis" amounts of reactive and listed waste treated at the facility. The tank area measures 12 feet long by 10 feet wide with an 8" high curb on three (3) sides to provide secondary containment. The concrete floor of the tank area slopes towards and drains into the container storage area.

The thermal treatment area is constructed on a 700' by 130' reinforced concrete slab (6" thick). The thermal treatment units consist of twenty (20) concrete curbed treatment pads atop the slab, each equipped with an interchangeable burner assembly. The burner assemblies consist either of an open steel pan or a steel-lined concrete burn chamber. The open steel pans are constructed of 3/16-inch (minimum) steel with eight-inch high sidewalls. The concrete burn chambers are constructed of 48-inch (inside diameter) reinforced concrete pipe. They are three feet in length, and equipped with a 14-gauge steel cover plate. Each of the treatment units is equipped with a retractable roof structure to prevent rainfall accumulation.

2. detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of LAC 33:V.3203 and 3205; and

See responses to Sections 3203 and 3205.

3. for disposal units, a detailed description of the plans to comply with the post-closure requirements of LAC 33:V.3207.

Because the facility does not have disposal units, this section of the regulation is not applicable.

B. detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of LAC 33:V.3203. If the applicant can demonstrate that he does not violate the

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environmental performance standards of LAC 33:V.3203 and the administrative authority agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice;

This information is provided in response to Section 3203 in a section by section manner.

C. Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures;

The responses to Chapter 32 in this permit application address this issue.

D. for any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data;

The responses to Chapter 32 in this permit application address this issue.

E. any additional information determined by the administrative authority to be necessary for evaluation of compliance of the unit with the environmental performance standards of LAC 33:V:3203.

Laidlaw understands that the LDEQ may request additional information as necessary to evaluate compliance of the unit.

535. SPECIFIC PART II INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE FOR ENERGY OR MATERIAL RECOVERY AND NOT FOR DESTRUCTION

A. Trial Burns

1. General. Except as provided below, owners or operators that are subject to the standards to control organic emissions provided by LAC 33:V.3009, standards to control particulate matter provided by LAC 33:V.3011, standards to control metals emissions provided by LAC 33:V.3013, or standards to control hydrogen chloride or chlorine gas emissions provided by LAC 33:V.3015 must

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conduct a trial burn to demonstrate conformance with those standards and must submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with LAC 33:V.537.

a. A trial burn to demonstrate conformance with a particular emission standard may be waived under provisions of LAC 33:V.3009–3015 and 535.A.2–5.

b. The owner or operator may submit data in lieu of a trial burn, as prescribed in LAC 33:V.535.A.6.

2. Waiver of Trial Burn for DRE

a. Boilers Operated Under Special Operating Requirements. When seeking to be permitted under LAC 33:V.3009.A.4 and 3021 that automatically waive the DRE trial burn, the owner or operator of a boiler must submit documentation that the boiler operates under the special operating requirements provided by LAC 33:V.3021.

b. Boilers and Industrial Furnaces Burning Low Risk Waste. When seeking to be permitted under the provisions for low risk waste provided by LAC 33:V.3009.A.5 and 3019.A that waive the DRE trial burn, the owner or operator must submit:

I. documentation that the device is operated in conformance with the requirements of LAC 33:V.3019.A.1;

II. results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in LAC 33:V.4901.G.Table 6, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;

III. documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in LAC 33:V.535.A.2.b.ii using procedures provided by LAC 33:V.3019.A.2.b;

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iv. results of emissions dispersion modeling for emissions identified in LAC 33:V.535.A.2.b.iii using modeling procedures prescribed by LAC 33:V.3013.H. The administrative authority will review the emission modeling conducted by the applicant to determine conformance with these procedures. The administrative authority will either approve the modeling or determine that alternate or supplementary modeling is appropriate; and

v. documentation that the maximum annual average ground level concentration of each constituent identified in Subsection A.2.b.ii of this Section quantified in conformance with Subsection A.2.b.iv of this Section does not exceed the allowable ambient level established in 40 CFR 266, appendices IV or V, as adopted and amended at LAC 33:V.Chapter 30, Appendices D and E. The acceptable ambient concentration for emitted constituents for which a specific Reference Air Concentration has not been established in 40 CFR 266, appendix IV, as adopted and amended at LAC 33:V.Chapter 30, Appendix D or Risk-Specific Dose has not been established in 40 CFR 266, appendix V, as adopted at LAC 33:V.Chapter 30, Appendix E, is 0.1 micrograms per cubic meter, as noted in the footnote to 40 CFR 266, appendix IV, as adopted and amended at LAC 33:V.Chapter 30, Appendix D.

3. Waiver of Trial Burn for Metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by LAC 33:V.3013.B and E that control metals emissions without requiring a trial burn, the owner or operator must submit:

a. documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feedstocks;

b. documentation of the concentration of each metal controlled by LAC 33:V.3013.B or E in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of each metal;

c. documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by LAC 33:V.3013.B or E will not be exceeded during the averaging period provided by that subsection;

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d. documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by LAC 33:V.3013.B.3-5;

e. documentation of compliance with the provisions of LAC 33:V.3013.B.6, if applicable, for facilities with multiple stacks;

f. documentation that the facility does not fall the criteria provided by LAC 33:V.3013.B.7 for eligibility to comply with the screening limits; and

g. proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feedstocks.

4. Waiver of Trial Burn for Particulate Matter. When seeking to be permitted under the low risk waste provisions of LAC 33:V.3019.B which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants must submit documentation supporting conformance with LAC 33:V.535.A.2.b and A.3.

5. Waiver of Trial Burn for Hcl and Cl₂. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chloride and chlorine provided by LAC 33:V.3015.B.1 and E that control emissions of hydrogen chloride (Hcl) and chlorine gas (Cl₂) without requiring a trial burn, the owner or operator must submit:

a. documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feedstocks;

b. documentation of the levels of total chloride and chlorine in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of total chloride and chlorine;

c. documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by LAC 33:V.3015.B.1 or E will not be exceeded during the averaging period provided by that subsection;

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d. documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by LAC 33:V.3015.B.3;

e. documentation of compliance with the provisions of LAC 33:V.3015.B.4, if applicable, for facilities with multiple stacks;

f. documentation that the facility does not fall the criteria provided by LAC 33:V.3015.B.3 for eligibility to comply with the screening limits; and

g. proposed sampling and analysis plan for total chloride and chlorine for the hazardous waste, other fuels, and industrial furnace feedstocks.

6. Data In lieu of Trial Burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with LAC 33:V.537 and 3009–3015 by providing the information required by LAC 33:V.537 from previous compliance testing of the device in conformance with LAC 33:V.3007, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by LAC 33:V.535 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The administrative authority shall approve a permit application without a trial burn if he finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under LAC 33:V.3005) operating conditions that will ensure conformance with LAC 33:V.3005.C. In addition, the following information shall be submitted:

a. for a waiver from any trial burn:

i. a description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing, or operational or trial burns are provided to support the contention that a trial burn is not needed;

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ii. the design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and

iii. such supplemental information as the administrative authority finds necessary to achieve the purposes of this Paragraph.

b. for a waiver of the DRE trial burn, the basis for selection of POHCs used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in LAC 33:V.3009.A. This analysis should specify the constituents in LAC 33:V.4901.G.Table 6, that the applicant has identified in the hazardous waste for which a permit is sought, and any differences from the POHCs in the hazardous waste for which burn data are provided.

B. Alternative HC Limit for Industrial Furnaces with Organic Matter in Raw Materials. Owners or operators of industrial furnaces requesting an alternative HC limit under LAC 33:V.3009.F shall submit the following information at a minimum:

1. documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;

2. documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;

3. test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuel(s) and destruction of hydrocarbon emissions from nonfuel sources;

4. trial burn plan to:

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a. demonstrate that flue gas HC (and CO) concentrations when burning hazardous waste do not exceed the baseline HC (and CO) level; and

b. Identify the types and concentrations of organic compounds listed in LAC 33:V.4901.G.Table 6, that are emitted when burning hazardous waste in conformance with procedures prescribed by the administrative authority;

5. Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and

6. such other information as the administrative authority finds necessary to achieve the purposes of this Subsection.

C. Alternative Metals Implementation Approach. When seeking to be permitted under an alternative metals implementation approach under LAC 33:V.3013.F, the owner or operator must submit documentation specifying how the approach ensures compliance with the metals emissions standards of LAC 33:V.3013.C or D and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide such other information that the administrative authority finds necessary to achieve the purposes of this Subsection.

D. Automatic Waste Feed Cutoff System. Owners or operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.

E. Direct Transfer. Owners or operators that use direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in LAC 33:V.3023) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by LAC 33:V.3023.

F. Residues. Owners or operators that claim that their residues are excluded from regulation under the provisions of LAC 33:V.3025 must submit information adequate to demonstrate conformance with those provisions.

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Response:

535. The facility does not have any boilers or industrial furnaces. LAC 33:V.535 does not apply to this facility.

536. SPECIFIC PART II INFORMATION REQUIREMENTS FOR EQUIPMENT

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that have equipment to which LAC 33:V.Chapter 17, Subchapter B applies must provide the following additional information.

A. For each piece of equipment to which LAC 33:V.Chapter 17, Subchapter B applies, the following information must be provided:

- 1. equipment identification number and hazardous waste management unit identification;**
- 2. approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);**
- 3. type of equipment (e.g., a pump or pipeline valve);**
- 4. percent by weight total organics in the hazardous waste stream at the equipment;**
- 5. hazardous waste state at the equipment (e.g., gas/vapor or liquid); and**
- 6. method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").**

B. Facilities that cannot install a closed-vent system and control device to comply with the provisions of LAC 33:V.Chapter 17, Subchapter B on the effective date that the facility becomes subject to the provisions of LAC 33:V.Chapter 17, Subchapter B or Chapter 43, Subchapter R, must provide an implementation schedule as specified in LAC 33:V.1709.A.2.

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C. Owners or operators who apply for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and choose to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device must provide a performance test plan as specified in LAC 33:V.1713.B.3.

D. Documentation that demonstrates compliance with the equipment standards in LAC 33:V.1719–1733 must be provided. This documentation shall contain the records required under LAC 33:V.1743. The administrative authority may request further documentation before deciding if compliance has been demonstrated.

E. Documentation to demonstrate compliance with LAC 33:V.1735 shall be provided and include the following information:

1. a list of all information references and sources used in preparing the documentation;

2. records, including the dates, of each compliance test required by LAC 33:V.1709.J;

3. a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," as incorporated by reference at LAC 33:V.110, or other engineering texts acceptable to the administrative authority that present basic control device design information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in LAC 33:V.1713.B.4.c;

4. a statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur;

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5. a statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

Response:

536. The facility does not have any equipment to which Chapter 17, Subchapter B applies. LAC 33:V.536 does not apply to this facility.

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MANIFEST SYSTEM FOR TSD FACILITIES

901. APPLICABILITY

REGULATION:

The regulations in this Chapter apply to owners and operators of both on-site and off-site TSD facilities, except as LAC 33:V.1501 provides otherwise. LAC 33:V.905, 907, and 909 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources. LAC 33:V.907.B only applies to permittees who treat, store, or dispose of hazardous wastes on-site where such wastes were generated.

903. MANIFEST REQUIREMENTS

REGULATION:

903.A. The manifest must contain all of the following information:

REGULATION:

1. a state manifest document number which shall be obtained from this Department if the destination point is in Louisiana;

Response:

903.A.1. A state manifest document number will be required on all manifests,

REGULATION:

903.A.2. the generator's name, mailing address, telephone number, and active EPA Identification number;

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Response:

903.A.2. Each manifest will be checked to verify that the generator's name, mailing address, telephone number, and EPA and state identification numbers are listed on the manifest form.

REGULATION:

903.A.3. the name, active EPA Identification number, and telephone number of each transporter;

Response:

903.A.3. Each manifest will be checked to make certain that the name, telephone number, and EPA and state identification numbers of the transporter are provided.

REGULATION:

903.A.4 the name, address, telephone number, and active EPA Identification number of the designated facility;

Response:

903.A.4. Each manifest will be checked to verify that the name, address, and EPA identification number of the treatment facility are provided.

REGULATION:

903.A.5. the description of the waste(s) (e.g., proper shipping name, hazard class, active EPA hazardous waste number, etc.) required by Louisiana Department of Public Safety and Corrections regulations in 55172.101, 172.202, and 172.203, the department's designated handling codes for waste described; and

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Response:

903.A.5. Each manifest will be checked to determine that the waste description information is complete and correct.

REGULATION:

903.A.6. the total quantity of each hazardous waste by units of weight in tons, cubic yards, pounds, or gallons (liquids only), and the type and number of containers (metal drums, barrels, kegs, fiberboard or plastic drums, cargo tanks, tank trucks, dump trucks, metal boxes, cartons, cases, burlap bags, paper bags, plastic bags, wooden drums, tanks portable, tank cars, cylinders, wooden boxes, and fiber or plastic boxes) as loaded into or onto the transport vehicle. If the weight is unknown, the volume and estimated weight should be provided.

Response:

903.A.6. Each manifest will be checked to determine that information regarding quantity and type of wastes is provided.

REGULATION:

903.A.7. The department's handling codes for use on the manifest (effective January 1, 1992) are as follows:

Handling Codes	
Metals Recovery (for reuse)	
M011	High temperature metals recovery
M012	Retorting
M013	Secondary Smelting
M014	Other metals recovery for reuse; e.g., ion exchange, reverse osmosis, acid leaching, etc. (specify in comments)

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M019	Metals recovery - type unknown
Solvents Recovery	
M021	Fractionation/distillation
M022	Thin film evaporation
M023	Solvent extraction
M024	Other solvent recovery (specify in comments)
M029	Solvents recovery - type unknown
Other Recovery	
M031	Acid regeneration
M032	Other recovery; e.g., waste oil recovery, nonsolvent organics recovery, etc. (specify in comments)
M039	Other recovery - type unknown
Incineration	
M041	Incineration - liquids
M042	Incineration - sludges
M043	Incineration - solids
M044	Incineration - gases
M049	Incineration - type unknown
Energy Recovery (reuse as fuel)	
M051	Energy recovery - liquids
M052	Energy recovery - sludges
M053	Energy recovery - solids
M059	Energy recovery - type unknown
Fuel Blending	

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M061	Fuel blending
Aqueous Inorganic Treatment	
M071	Chrome reduction followed by chemical precipitation
M072	Cyanide destruction followed by chemical precipitation
M073	Cyanide destruction only
M074	Chemical oxidation followed by chemical precipitation
M075	Chemical oxidation only
M076	Wet air oxidation
M077	Chemical precipitation
M078	Other aqueous inorganic treatment; e.g., ion exchange, reverse osmosis, etc. (specify in comments)
M079	Aqueous inorganic treatment - type unknown
Aqueous Organic Treatment	
M081	Biological treatment
M082	Carbon adsorption
M083	Air/steam stripping
M084	Wet air oxidation
M085	Other aqueous organic treatment (specify in comments)
M089	Aqueous organic treatment - type unknown
Aqueous Organic and Inorganic Treatment	
M091	Chemical precipitation in combination with biological treatment
M092	Chemical precipitation in combination with carbon adsorption

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M093	Wet air oxidation
M094	Other organic/inorganic treatment (specify in comments)
M099	Aqueous organic and inorganic treatment - type unknown
Sludge Treatment	
M101	Sludge dewatering
M102	Addition of excess lime
M103	Absorption/adsorption
M104	Solvent extraction
M109	Sludge treatment - type unknown
Stabilization	
M111	Stabilization/Chemical fixation using cementitious and/or pozzolanic materials
M112	Other stabilization (specify in comments)
M119	Stabilization - type unknown
Other Treatment	
M121	Neutralization only
M122	Evaporation only
M123	Setting/clarification only
M124	Phase separation (e.g., emulsion breaking, filtration) only
M125	Other treatment (specify in comments)
M129	Other treatment - type unknown
Disposal	
M131	Land treatment/application/farming
M132	Landfill

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M133	Surface impoundment (to be closed as a landfill)
M134	Deepwell/underground injection
M135	Direct discharge to sewer/POTW (no prior treatment)
M136	Direct discharge to surface water under NPDES (no prior treatment)
M137	Other disposal (specify in comments)
Transfer Facility Storage	
M141	Transfer facility storage, waste was shipped off site with no on-site TDR activity

Response:

LESTT understands that the handling codes listed above must be used.

REGULATION:

903.B. The following certification must appear on the manifest: This is to certify that the above-named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Louisiana Department of Public Safety, the Louisiana Department of Environmental Quality, the U.S. Department of Transportation, and the U.S. EPA."

Response:

903.B. A certification statement required by LAC 33.V.903.B is provided on the Louisiana Uniform Hazardous Waste Manifest, presented in Appendix 11.

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REGULATION:

903.C. The manifest must consist of at least enough copies to provide the original to the department; one copy each for the generator, each transporter, and the owner or operator of the designated facility; and remaining copies to be signed and returned to the generator and other appropriate parties.

Response:

903.C. The manifest will be checked to verify that it contains enough copies to provide one copy to each transporter, the LDEQ and the facility, and two completed copies to the generator.

REGULATION:

903.D. The manifest form must be obtained from the department. A Louisiana manifest shall be used as follows:

- 1. if the hazardous waste is generated in Louisiana and disposed of in Louisiana;**
- 2. if the hazardous waste is generated out of Louisiana and disposed of in Louisiana; or**
- 3. if the hazardous waste is generated in Louisiana and is disposed of in a state without its own manifest system.**

Response:

903.D. A manifest form, as obtained from LDEQ, will be used whenever any of the situations listed above exist.

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905. USE OF THE MANIFEST SYSTEM

REGULATION:

905.A. If a facility receives a hazardous waste accompanied by a manifest, the owner or operator, or his or her agent, must:

905.A.1. sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

Response:

905.A.1. Each copy of the manifest will be signed and dated by the operator or his designated agent to certify that the hazardous waste covered by the manifest was received.

REGULATION:

905.A.2. note any significant discrepancies in the manifest (as defined in LAC 33:V.907.A) on each copy of the manifest. The administrative authority does not intend that the owner or operator of a facility whose procedures under LAC 33:V.1519.C include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. LAC 33:V.907.B, however, requires reporting an unreconciled discrepancy discovered during later analysis;

Response:

905.A.2. Significant discrepancies between the manifest and the actual contents of the wastes received will be noted on the manifest.

REGULATION:

905.A.3. Immediately give the transporter at least one copy of the signed manifest;

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Response:

905.A.3. At least one copy of the signed manifest will be immediately given to the transporter.

REGULATION:

905.A.4. within seven working days after the delivery, send a signed copy of the manifest to the generator; and

Response:

905.A.4. A signed and dated copy of the manifest will be sent to the generator within seven working days after the delivery of a waste shipment.

REGULATION:

905.A.5. retain at the facility a copy of each manifest for at least three years from the date of delivery or final disposal, whichever is later. After three years, a summary, extract, or microfilm copy of the information shall be retained by the facility to keep records of waste received.

Response:

905.A.5. The facility will retain a copy of each manifest at the office for at least three years from the date of final disposal. After three years, a summary, extract, electronically scanned, or microfilm copy of the information on the manifest will be retained in the facility records until the facility achieves final closure.

REGULATION:

905.B. If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification, and signatures), the owner or operator, or his agent, must:

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905.B.1. sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

905.B.2. note any significant discrepancies (as defined in LAC 33:V.907.A) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper. The administrative authority does not intend that the owner or operator of a facility whose procedures under LAC 33:V.1519.C include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. LAC 33:V.907.B, however, requires reporting an unreconciled discrepancy discovered during later analysis;

905.B.3. Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

905.B.4. within 30 days after the delivery, send a copy of the signed and dated manifest to the generator, however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator. LAC 33:V.1107.D.3 requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by water (bulk shipment); and

905.B.5. retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery or final disposal, whichever is later.

Response:

905.B. The facility is not accessible by rail or by water. The requirements of LAC 33:V.905.B do not apply to this facility.

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REGULATION:

905.C. Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of LAC 33:V.1107.

Response:

905.C. The residual ash of a treated listed waste shall be manifested and disposed of as a hazardous waste as outlined in Section 1519 of this permit application. The ash of a treated D003 waste will be analyzed as outlined in Section 1519 to determine if it is hazardous. The operator of the facility will comply with LAC 33.V.1107 as appropriate.

907. MANIFEST DISCREPANCIES

REGULATION:

907.A. Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are: (1) for bulk waste, variations greater than 10 percent in weight; and (2) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

907.B. Upon discovering a discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). The owner or operator must submit to the administrative authority within five working days a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. After the discrepancy is resolved, a corrected copy is to be sent to the administrative authority.

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Response:

907.B. The operator or his designated agent will attempt to reconcile discrepancies with the generator or transporter. Within five working days, a letter will be submitted to the administrative authority describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. After the discrepancy is resolved, a corrected copy will be sent to the administrative authority.

909. UNMANIFESTED WASTE REPORT

REGULATION:

909. If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in LAC 33:V.1307.E.2, then the owner or operator must prepare and submit a single copy of a report to the administrative authority within 15 days after receiving the waste. Such unmanifested waste storage, treatment, or disposal shall be covered by the facility permit or an emergency permit (LAC 33:V.701), and treatment or disposal shall not occur until approval of the administrative authority is given. The unmanifested waste report must be submitted on the form provided by the administrative authority. Such report must be designated "Unmanifested Waste Report" and include the following information:

909.A. the EPA Identification number, name, and address of the facility;

909.B. the date the facility received the waste;

909.C. the EPA Identification number, name, and address of the generator and the transporter, if available;

909.D. a description and the quantity of each unmanifested hazardous waste and facility received;

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909.E. the method of treatment, storage, or disposal for each hazardous waste;

909.F. the certification signed by the owner or operator of the facility, or his authorized representative; and

909.G. a brief explanation of why the waste was unmanifested, if known.

Response:

909. If hazardous wastes are accepted from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in LAC 33:V.1307.E.2, LESTT will prepare and submit a single copy of a report to the administrative authority within 15 days after receiving the waste. Such unmanifested waste storage, treatment, or disposal shall be covered by the facility permit or an emergency permit (LAC 33:V.701), and treatment or disposal shall not occur until approval of the administrative authority is given. The unmanifested waste report will be submitted on the form provided by the administrative authority. Such report will be designated "Unmanifested Waste Report" and include the following information:

- the EPA identification number, name, and address of the facility;
- the date the waste was received;
- the EPA identification number, name, and address of the generator and the transporter, if available;
- a description and the quantity of each unmanifested hazardous waste and facility received;
- the method of treatment, storage, or disposal for each hazardous waste;
- the certification signed by the owner or operator of the facility, or his authorized representative; and

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- a brief explanation of why the waste was unmanifested, if known.

911. MANIFEST FORMS

REGULATION:

911.A. A. A manifest form containing the information required by these regulations shall be used for all shipments of hazardous waste under this regulation and shall be completed in full by the proper parties.

Response:

911.A. The Louisiana Uniform Waste Manifest form will be used for all shipments of hazardous waste under this regulation. A copy of this form is presented in Appendix 11. The operator or his agent will verify that the manifest has been completed in full by the proper parties.

REGULATION:

911.B. Sample manifest forms will be available upon request from the department.

Response:

911.B. The manifest form presented in Appendix 11 was obtained from the LDEQ/HWD.

REGULATION:

911.C. The manifest form shall contain a valid and active EPA identification number for the generator, transporter, and disposer, and the valid EPA waste identification number(s).

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Response:

911.C. Manifests will be checked to verify that they contain the proper EPA identification numbers of the generator and the transporter(s) and the proper EPA waste identification number(s).

913. MANIFEST DOCUMENT FLOW

REGULATION:

913.A. The generator initiates the manifest (original and at least seven copies) as required in LAC 33:V.903. After the transporter signs the manifest, the generator retains one copy for his or her files, mails the second copy to the administrative authority of the generator's state (where the waste was generated), and the original and all other copies accompany the hazardous waste shipment.

Response:

913.A. The manifest will be checked to verify that the original and sufficient copies are present to permit proper distribution as required by LAC 33:V.Chapter 9.

REGULATION:

913.B. The transporter who delivers the hazardous waste to the facility secures the hazardous waste facility operator's signature upon delivery of waste, retains one copy for his or her files, and gives the original and remaining copies to the hazardous waste facility operator.

Response:

913.B. The operator or his agent will sign each copy of the manifest to acknowledge receipt of the waste after the accuracy of the manifest is verified. One copy of the manifest will immediately be given to the transporter(s). The facility will receive the original and all other copies from the transporter.

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REGULATION:

913.C. The hazardous waste facility operator fills out his portion, retains a copy for his files, submits the original to the department no later than seven days after delivery of the hazardous waste and sends all remaining copies to the generator no later than seven days after delivery of the hazardous waste.

Response:

913.C. The operator or his agent will complete his portion of the manifest and retain a copy for his files. Within seven days the facility will submit the original manifest to LDEQ and send all remaining copies to the generator.

REGULATION:

913.D. The generator files his copy and maintains records in accordance with LAC 33:V.1111.A.1.

Response:

913.D. LESTT will file its copy and maintain records in accordance with LAC 33.V.1111.A.1.

REGULATION:

913.E. The generator, transporter, and hazardous waste facility operator shall maintain file copies of the manifest for a period not less than three years for department inspection, as required in LAC 33:V.317.B.

Response:

913.E. The manifest copies will be retained in the facility operating record for at least three years in accordance with the requirements of LAC 33:V.317.B.

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REGULATION:

913.F. The generator and hazardous waste facility operator each shall submit an annual report to the department including manifest numbers, total quantity by type of waste handled, its disposition, and all other information requested by the department on the annual report forms. The report shall cover the preceding calendar year and shall be submitted by March 1.

Response:

913.F. An annual report that covers the waste activity for the preceding calendar year will be submitted to the administrative authority. The report will be submitted by March 1 of the following year. The report will summarize onsite waste activities, including manifest document numbers, total quantities by type of waste handled, waste disposition, and all other information required by the department.

REGULATION:

913.G. The signing of the manifest by the generator, transporter, or hazardous waste facility operator certifies that to the best of his knowledge, his portion of the manifest is accurately and correctly filled out. The generator further certifies that the material is properly packaged, marked, and labelled and is in a proper container for transportation.

Response:

913.G. By signing the waste manifest, the operator or its agent acknowledges that its portion of the manifest form is correct and complete.

REGULATION:

913.H. Except as otherwise provided in LAC 33:V.919 and 1309.G, hazardous waste facility operators are required to report to the department any irregularities between the wastes actually received and the waste described on the manifest, or any other irregularities, within five days.

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Response:

913.H. Except as otherwise provided in LAC 33:V.919 and 1309.G, LESTT will report to the department any irregularities between the wastes actually received and the waste described on the manifest, or any other irregularities, within five days.

REGULATION:

913.I. Additional generator responsibilities for rail shipments are contained in LAC 33:V.1107.D.4 and 5.

Response:

913.I. The facility is not accessible by rail. LAC 33:V.913.I does not apply to this facility.

REGULATION:

915. The operator of a hazardous waste facility accepting out-of-state wastes is responsible for all the requirements of this Section, including requiring the generator to initiate a manifest.

Response:

915. The operator or his agent will verify that wastes shipped from out-of-state are accompanied by a manifest that has been properly completed by the generator and transporter in accordance with the requirements of LAC 33:V.903.

REGULATION:

917. When hazardous wastes are not properly manifested and shipped but are to be accepted by the operator of a hazardous waste facility, the requirements of LAC 33:V.909 should be followed.

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Response:

917. When hazardous wastes are not properly manifested and shipped but are to be accepted by the operator of a hazardous waste facility, the requirements of LAC 33:V.909 will be followed.

REGULATION:

919. If any hazardous waste is rejected by the operator of a hazardous waste facility, the operator of that facility is to notify the department immediately (within 24 hours) by telephone and give reasons why the waste was rejected. Within seven days of the refusal to accept the wastes, the operator must provide the administrative authority with a written explanation of why the waste was rejected.

Response:

919. Rejected shipments of hazardous waste will be reported to the administrative authority immediately (within 24 hours) by telephone and in writing within seven days of the date that the waste was rejected. The rejected shipment report will include, when available, the EPA identification numbers, names, addresses, and telephone numbers of the generator, transporter, and the facility; the attempted delivery date; and the reasons why the waste shipment was rejected.

REGULATION:

921. The operator of any treatment, storage, and disposal facility will assume all the responsibilities of a generator established by these regulations for any hazardous waste transported from his facility to another permitted facility, except for waste rejected under LAC 33:V.919.

Response:

921. LESTT will assume all the responsibilities of a generator established by these regulations for any hazardous waste transported from its facility to another permitted facility, except for waste rejected under LAC 33:V.919.

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923. SPECIAL MANIFEST PROVISIONS

REGULATION:

923.A. A. Scope. These provisions will apply to material in containers meeting the provisions of lab packs except that the outer container, excluding overpacking, shall not exceed five gallons (20 liters) in total liquid capacity prior to addition of the absorbent. The container and overpacking shall comply with applicable requirements of the Louisiana Department of Public Safety and Corrections or its successor agency. Except as otherwise provided herein, the requirements of LAC 33:V.2519 shall be met.

Response:

923.A. Whenever the conditions under which these special manifest provisions apply, container and overpacking shall comply with applicable requirements of the Louisiana Department of Public Safety and Corrections (or its successor agency). Except as otherwise provided, the requirements of LAC 33:V.2519 shall be met.

REGULATION:

923.B. Reporting and Recordkeeping. Both the generator and disposer shall maintain copies of the manifests and other records as required elsewhere in LAC 33:V.Subpart 1. The generator and disposer shall include all such wastes in the annual report as provided in LAC 33:V.913.F and 1111.B.

Response:

923.B. For materials to which this section applies, copies of the manifests and other records will be maintained, and the wastes shall be included in the annual report.

CHAPTER 15
TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1501. APPLICABILITY

REGULATION:

1501.A. The regulations in this Chapter apply to owners and operators of all hazardous waste facilities, except as provided in LAC 33:V.1501.C. LAC 33:V.1503.B.3 applies only to facilities subject to regulations under LAC 33:V. Chapters 19, 21, 23, 25, 27, 29, 31, or 32.

REGULATION:

1501.B. Except as specifically authorized by the terms and conditions of a permit issued under these rules and regulations, the construction and operation of a facility to treat, store, or dispose of hazardous wastes in violation of the standards established by this Section shall be a violation of the Act enforceable pursuant to LAC 33:V.107 of these regulations and R.S. 30:1073.

REGULATION:

1501.C. The requirements of this Chapter do not apply to:

- 1. the owner or operator of a facility permitted, licensed, or registered to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by LAC 33:V.Subpart 1;**
- 2. the owner or operator of a facility which treats or stores material which would otherwise be a hazardous waste which is being beneficially used or reused, legitimately recycled, or reclaimed as defined in LAC 33:V.Chapter 41 (except to the extent they are referred to in LAC 33:V.Chapter 40 or LAC 33:V.4139, 4143, or 4145;**
- 3. the owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in LAC 33:V.109 provided that if the owner or**

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operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory) or corrosive (D002) waste to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in LAC 33:V.1517.B;

4. a farmer disposing of waste pesticides from his own use as provided in LAC 33:V.105.D.5;

5. the owner or operator of a totally enclosed treatment facility (see LAC 33:V.109);

6. the owner or operator of an elementary neutralization unit (see LAC 33:V.109) provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory) or corrosive (D002) waste to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in LAC 33:V.1517.B;

7. persons who respond immediately to contain or treat a spill of hazardous waste or material which, when spilled, becomes a hazardous waste, except that, the appropriate requirements of LAC 33:V.1511 and 1513 are applicable to owners and operators of treatment, storage, and disposal facilities. This Paragraph only applies to activities taken in immediate response to a spill. After the immediate response activities are completed, the applicable regulations of this Chapter apply;

8. a transporter storing manifested shipments of hazardous waste in containers meeting the requirements applicable to the regulations of the Department of Public Safety on packaging, at a transfer facility for a period of 10 days or less, if so approved by the administrative authority;

9. the addition of absorbent material to waste in a container (see LAC 33:V.109), or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container and LAC 33:V.1517.B, 2103, and 2105 are complied with; or

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10. a generator accumulating waste on-site in compliance with LAC 33:V.1109.E.

Response:

1501.C. LESTT acknowledges the applicability of this chapter.

1503. SITE REQUIREMENTS

REGULATION:

1503.A. Geology

1503.A.1. Topographic Relief. The site should not have any abrupt topographic changes or means should be provided to guard against slides, slumping, or erosion.

Response:

1503.A.1. The facility is located on the Colfax USGS 7-1/2 minute topographic quadrangle. A copy of a portion of this quadrangle, marked with the site location, is presented as the land use map in Figure 5. As shown on the land use map (Figure 5) and the Facility Layout and Contour Map (Figure 1), the ground surface adjacent to and within the facility boundaries consists of gently rolling hills. The ground surface is dissected by several gently sloping natural drainage swales. The potential for slides, slumping, or erosion to develop is minimal because of the quantity of vegetative cover and the lack of steep slopes or significant surface water discharge through the site.

REGULATION:

1503.A.2. Soils. The area should be covered with natural stable soils of low permeability or a means should be provided, acceptable to administrative authority, which provide a barrier to penetration of surface spills or accumulations of hazardous wastes into a subsurface strata which would have a potential effect on a fresh-water aquifer.

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Response:

1503.A.2. A surface soils map prepared for the site by the U.S. Department of Agriculture Soil Conservation Service and accompanying soil descriptions are presented in Figure 4 and Appendix 7, respectively. As indicated on the map, the surface soils in the central and east portions of the facility consist primarily of Rigolette-Kisatchie. The west part of the site consists of Gore Silt Loam. The Caddo Silt Loam occurs northeast of the site. The Caddo Silt Loam and the Gore Silt Loam are low permeability soils. The Gore Silt Loam is characteristically moderately permeable. These soils are natural and stable. These soil conditions are considered to be satisfactory for the operations conducted at the treatment facility.

An environmental assessment has been conducted. This assessment verified the clayey nature and low permeability of the site soils (see Appendix 8).

REGULATION:

1503.A.3. Seismic Conditions. Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time.

Response:

1503.A.3.

LESTT contacted the U.S. Geological Survey and the Louisiana Geological Service to obtain state and federal information regarding the occurrence of a known fault near the site. These agencies indicated that no known fault has been identified within the facility or 3,000 feet beyond the facility boundaries. A geological certification that the site complies with the seismic standards is presented in Appendix 13.

REGULATION:

1503.B. Hydrology

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1503.B.1. General Requirement. Sites utilized shall be isolated by means of natural or created boundaries from adjoining land and from subsurface and surface waters.

Response:

1503.B.1. Figure 1 shows the distances between waste management units and the existing property boundary. This distance, coupled with the low permeability soils, (see Section 1503.A.2) and the containerization of the waste (discussed below) effectively isolates the waste from land, surface waters, and subsurface waters.

Wastes are stored in fully-enclosed storage magazines. Treatment operations are conducted in at-grade open burners with concrete secondary containment. The residues resulting from thermal treatment of the wastes are collected and containerized for offsite disposal. Due to the nature of this operation, neither surface water nor groundwater will be impacted.

REGULATION:

1503.B.2. Drainage. The site must have the capability to control and/or contain run-off from the maximum rainfall in 24 hours from a 25-year storm (when maximum rainfall records are not available, the design standard shall be 12 inches below 31 degrees North latitude and nine inches above 31 degrees North latitude) and must have the capability to divert run-on from adjoining land (outside limits of hazardous waste site or if part of an industrial complex, outside limits of company property) from such a storm from the site (surface and subsurface).

Response:

1503.B.2.

Hazardous materials are handled only in limited areas. Each of these areas is either under roof or has curbing, containment, or storage capacity sufficient to handle the 9 inches of rain specified as the design storm for a 24 hour, 25 year event for this latitude.

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REGULATION:

1503.B.3. Floodplains

a. A facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood unless the owner or operator can demonstrate to the administrative authority that:

I. procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters; or

II. for existing surface impoundments, waste piles, land treatment units, landfills, and miscellaneous units, no adverse effects on human health or the environment will result if washout occurs, considering:

(a). the volume and physical and chemical characteristics of the waste in the facility;

(b). the concentrations of hazardous constituents that would potentially affect surface waters as a result of washout;

(c). the impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and

(d). the impact of hazardous constituents on the sediments of affected surface waters or the soils of the 100-year floodplain that could result from washout.

Response:

1503.B.3. The nearest 100-Year Floodplain limits obtained from a FEMA map are outside the area shown on Figure 1. The FEMA map is referenced in Section 517.B.3

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and is in Appendix 14. Because the facility is located outside of the 100-Year Floodplain limits (see Figure 1), LAC 33:V.1503.B.3 does not apply to this facility.

REGULATION:

1503.B.4. Hurricane-Prone-Areas. Sites located in an area which is historically subject to hurricanes shall be protected from the entry of water by natural or created barriers certified by a professional engineer.

Response:

1503.B.4. The climatology information in Appendix 9 (as discussed in Section 517.T.4.b.iii) demonstrates that the site is not subject to hurricanes. LAC 33:V.1503.B.4 does not apply to this facility.

REGULATION:

1503.B.5. Conformity with Existing Restrictions and Permits. Sites located in floodways or wetlands under control of the U. S. Army Corps of Engineers and/or the Coastal Zone Management Office must apply for applicable permits. However, to avoid unnecessarily long licensing periods, the department may accept and process the application with its final approval dependent upon a similar approval. Final department action on such a state permit will be taken after final action on wetlands and coastal zone permits.

Response:

1503.B.5. The facility is located outside of a 100-Year Floodplain. No jurisdictional wetlands have been identified in the operating area of the facility. A small area of other regulated waters was, however, filled under authority from Corps of Engineers Nationwide Permit No. 26 for headwaters and isolated water discharges. LAC 33:V.1503.B.5 does not apply to this treatment facility.

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REGULATION:

1503.B.6. Areas of Critical Environmental Concern. Sites located in, or adjacent to, swamps, marshes, floodplains, estuaries, designated wildlife hatchery areas, habitats of endangered species, and similar critical environmental areas shall be isolated from such areas by effective barriers which eliminate possible adverse impacts on such areas due to operation of the facility.

Response:

1503.B.6. The treatment facility is not located in, or adjacent to, areas of critical environmental concern, such as swamps, marshes, floodplains, estuaries, and habitats of endangered species. As such, LAC 33:V.1503.B.6 does not apply to this facility.

REGULATION:

1503.B.7. Salt Dome Formations, Salt Bed Formations, Underground Mines, and Caves. The placement of any noncontainerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave is prohibited.

Response:

1503.B.7. This section is not applicable because the site does not overlay a salt dome, salt bed, mine, or cave.

REGULATION:

1503.C. Facilities

1503.C.1. Transportation. Access to sites by surface and water transportation modes shall be by roads and waterways with the capacity to accept the demands created by the facility and designed to avoid, to the extent practical, congestion, sharp turns, obstructions, or other hazards which are conducive to accidents.

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Response:

1503.C.1. The site is not accessible by waterway or rail. Access to the facility is by surface vehicular traffic from State Highway 471.

The facility receives an average of approximately three trucks per week. The anticipated maximum traffic volume is 24 trucks per day, which is approximately three percent of the total traffic traveling on Highway 471, based on a 1995 traffic count. The maximum expected gross vehicle weight is approximately 10,000 pounds. The vehicle traffic to and from the facility does not significantly affect the service life or use of Highway 471.

The facility contains sufficient staging area along the interior access road from Highway 471 to the facility office. Use of the staging area will eliminate potential congestion at the site entrance. There are no sharp turns, obstructions, or others hazards at the site entrance off Highway 471 that would be conducive to accidents. The facility layout with the staging area location is shown in Figure 1.

REGULATION:

1503.C.2. Services. Sites shall have convenient access to required services, including: utilities, medical care, police, fire protection, and similar services, or provide these services internally in a manner acceptable to the administrative authority.

Response:

1503.C.2. The facility has service lines for water, electricity, and telephone service from the main lines along Highway 471. A septic tank is located near the facility office and employee lunch trailer.

The main interior access road connects the facility to Highway 471. Highway 471 is easily accessed by the emergency response agencies servicing the site, which include the Grant Parish Sheriff Department, the Colfax Fire Department, and the Parish

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Ambulance Service. These services are located approximately four miles from the site.

REGULATION:

1503.C.3. Buffer Zone

REGULATION:

1503.C.3.a. General Requirement. Sites shall be shielded from adjoining non-compatible land uses by space, natural separation, or other means acceptable to the administrative authority.

Response:

1503.C.3.a. As may be seen on Figure 2, the minimum width of the buffer zone is approximately 0.4 mile from the property lines to the treatment and storage areas. These buffer zones visually screen the operations at the facility from public view, provide a buffer against noise generated during storage and treatment operation, and minimize the impact of an unplanned event on adjoining land. The aerial photography (Figure 2) and Land Use and Water Well Map (Figure 5) also emphasize the remoteness of the site.

REGULATION:

1503.C.3.b. Minimum Requirements. In no event shall the buffer be less than that stated for the following sites:

REGULATION:

1503.C.3.b.i. Sites zoned Industrially—Sufficient space for security and drainage control facilities; or

Response:

1503.C.3.b.i. The facility is not zoned industrially. LAC 33:V.1503.C.3.b.i. does not apply.

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REGULATION:

1503.C.3.b.II. All other locations—200 feet between any facility (treatment pond, incinerator, tank, etc.) and property line unless a proper buffer is installed which is acceptable to the administrative authority (see LAC 33:V.2113 for container requirements).

Response:

1503.C.3.b.II. The minimum required buffer width will be maintained during the operating life of the facility.

REGULATION:

1504. Construction Quality Assurance Program

1504.A. CQA Program

1504.A.1. A construction quality assurance (CQA) program is required for all surface impoundment, waste pile, and landfill units that are required to comply with LAC 33:V.2903.J and K, 2303.C and D, and 2503.L and M. The program must ensure that the constructed units meet or exceed all design criteria and specifications in the permit. The program must be developed and implemented under the direction of a CQA officer who is a registered professional engineer.

REGULATION:

1504.A.2. The CQA program must address the following physical components, where applicable:

- a. foundations;**
- b. dikes;**
- c. low-permeability soil liners;**

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- d. geomembranes (flexible membrane liners);**
- e. leachate collection and removal systems and leak detection systems;**
- and**
- f. final cover systems.**

1504.B. Written CQA Plan. The owner or operator of units subject to the CQA program under LAC 33:V.1504.A must develop and implement a written CQA plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan must include:

1. Identification of applicable units and a description of how they will be constructed;

2. Identification of key personnel in the development and implementation of the CQA plan and CQA officer qualifications;

3. a description of inspection and sampling activities for all unit components identified in LAC 33:V.1504.A.2, including observations and tests that will be used before, during, and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description must cover:

- a. sampling size and locations;**
- b. frequency of testing;**
- c. data evaluation procedures;**
- d. acceptance and rejection criteria for construction materials;**
- e. plans for implementing corrective measures; and**

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f. data or other information to be recorded and retained in the operating record under LAC 33:V.1529.

1504.C. Contents of Program

1. The CQA program must include observations, inspections, tests, and measurements sufficient to ensure:

a. structural stability and integrity of all components of the unit identified in LAC 33:V.1504.A.2;

b. proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices, and proper installation of all components (e.g., pipes) according to design specifications; and

c. conformity of all materials used with design and other material specifications under LAC 33:V.2303, 2503, and 2903.

2. The CQA program shall include test fills for compacted soil liners, using the same compaction methods as in the full-scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of LAC 33:V.2303.C.1.b, 2503.L.1.b, and 2903.J.1.b in the field. Compliance with the hydraulic conductivity requirements must be verified by using in situ testing on the constructed test fill. The administrative authority may accept an alternative demonstration, in lieu of a test fill, where data are sufficient to show that a constructed soil liner will meet the hydraulic conductivity requirements of LAC 33:V.2303.C.1.b, 2503.L.1.b, and 2903.J.1.b in the field.

D. Certification. Waste shall not be received in a unit subject to LAC 33:V.1504 until the owner or operator has submitted to the administrative authority by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out, that the unit meets the requirements of LAC 33:V.2903.J or K, 2303.C or D, or 2503.L or M, and the procedure in LAC

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33:V.309.L.3.b has been completed. Documentation supporting the CQA officer's certification must be furnished to the administrative authority upon request.

Response:

The site has no surface impoundments, waste piles, or landfills subject to the referenced regulation; therefore, requirements for a CQA program do not apply.

1505. DISCHARGES FROM THE SITE

REGULATION:

1505.A. General Requirements. All point-source discharges must be controlled and reported as follows:

REGULATION:

1505.A.1. water discharges, if any, must be in conformity with effluent limitations established by the Clean Water Act operating under an NPDES permit and reported as required by that permit. The NPDES Permit must be applied for prior to the issuance of a hazardous waste permit; or

Response:

1505.A.1. No process wastewater is generated as part of the treatment process. Natural and constructed drainage devices are used to divert surface run-on from the operations area.

As a practical measure, the ground surface and concrete pads supporting the burners are graded to direct surface runoff away from the burn units, the preparation building, and the storage magazines. Magazines Nos. 8, 9 and 10 will have 12-inch high thresholds and vertical floor vent extensions to contain possible spills. Any minor spills of waste or waste treatment residue is removed as soon as they are discovered. These operational procedures prevent surface runoff from the operations area from becoming contaminated.

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LESTT has applied for and obtained a baseline general stormwater discharge permit from the EPA. Pursuant to LAC 33:IX.2301.D.1, this has become an LPDES permit. Relevant documentation is included in Appendix 16.

REGULATION:

1505.A.2. air emissions, if any, must be in conformity with air limitations of the Clean Air Act administered by the Air Quality Division of the department, operating under an Air Quality Permit as required, and reported as required by that permit. The air permit must be applied for prior to the issuance of a hazardous waste permit.

Response:

1505.A.2. The air quality permit for the treatment process is included as Appendix 17.

REGULATION:

1505.B. Surface. Offsite shipments of any hazardous waste material, containers, packaging, or similar material must be reported on a manifest and must be delivered to a permitted facility.

Response:

1505.B. Offsite shipments of any hazardous waste material, containers, packaging, or similar material will be reported on a manifest and will be delivered to a permitted facility.

REGULATION:

1505.C Spills

Response:

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REGULATION:

1505.C.1. Any spill of hazardous waste which could possibly endanger health or adversely affect the environment off-site shall be reported to the department immediately as provided in the "Notification Regulations and Procedures for Unauthorized Discharges and Spills." (See LAC 33:I.Chapter 39)

Response:

1505.C.1. Any spill of hazardous waste which could possibly endanger health or adversely affect the environment off-site shall be reported to the department immediately as provided in the "Notification Regulations and Procedures for Unauthorized Discharges and Spills." (See LAC 33:I.Chapter 39)

REGULATION:

1505.C.2. If a spill occurs on the site of a generator or TSD facility, and if that spill could endanger the public health or affect the environment off-site, the department and the Department of Public Safety have the authority to enter the site and investigate the spill. It is the responsibility of the operator to report spills of this nature to the department and the Department of Public Safety as soon as possible, as provided in LAC 33:V.1505.C.1.

Response:

1505.C.2. If a spill occurs on the site that could endanger the public health or affect the environment off-site, the department and the Department of Public Safety will have the authority to enter the site and investigate the spill. LESTT will report spills of this nature to the department and the Department of Public Safety as soon as possible, as provided in LAC 33:V.1505.C.1.

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REGULATION:

1505.C.3. Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner.

Response:

1505.C.3. Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste will be cleaned up in a timely manner.

1507. SECURITY

REGULATION:

1507.A. General Requirements. The security system shall insure that site ingress and egress by the public is controlled and that employees are protected from hazards to health resulting from contact with extremely hazardous operations.

Response:

1507.A. The security system for the facility is consistent with the size of the facility, level of activity, number of employees, the type of waste handled, and the nature of the storage and treatment processes. The layout of the physical security arrangements to control ingress and egress at the facility is shown on Figure 3.

Access to the facility from Highway 471 is directed through a fence which has one gated entry point. All vehicles entering the site must pass through this gate. Vehicular access into the operating area is controlled by a second fence and gate that separate the site entrance and office area from the operating area. The north, south, west, and east site boundaries are fenced and border on undeveloped property that is well-vegetated with trees and brush. Access to the hazardous waste site is restricted by the perimeter fence and locked gate. The storage magazines are also locked in accordance with the applicable standards published by the Bureau of Alcohol, Tobacco, and Firearms.

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REGULATION:

1507.B. Perimeter Control. The natural or created barrier to site ingress or egress around the entire perimeter of the hazardous waste area shall be continuously patrolled or monitored. Equipment will be installed, as necessary, to keep birds and wildlife off the site.

Response:

1507.B. LESTT has installed a six-foot high wire fence along the site boundaries. The six-foot high fence is equipped with a six-foot high metal rail gate that is locked when the facility is closed. Unauthorized access through the site boundaries other than the boundary fronting Highway 471 is additionally restricted by the natural vegetation which consists of trees and brush. The properties adjacent to these boundaries of the facility are undeveloped, heavily vegetated, and have limited access.

The storage magazines, preparation building and burners are further enclosed by a six-foot high chain-link perimeter fence with barbed wire on top. The six-foot high fence gate is locked. The storage magazines are locked in accordance with the standards established by the Bureau of Alcohol, Tobacco, and Firearms for magazines. A 100-foot wide clear zone is located between the units and the enclosure fences to allow patrolling and monitoring.

Access by birds and other wildlife is not a critical concern of this facility because wastes are securely stored in the magazines until treatment. The magazines are locked and located within a six-foot high fence enclosure.

The Grant Parish Sheriff Department patrols Highway 471 daily and visually checks that the property entrance gate and fence are secure during non-operating hours.

REGULATION:

1507.C. Entry. Each entry through the perimeter barrier shall be manned at all hours. The entry should be opened by security personnel or by an electronic

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system (card, code, handprint, etc. or television monitor) acceptable to the administrative authority.

Response:

1507.C. The main perimeter barrier is monitored during normal working hours by administrative office personnel. A security guard monitors entry to the facility at all periods when the administrative offices are not occupied.

REGULATION:

1507.D. Alternate Means of Meeting Security Requirements. Any operator may petition the administrative authority for acceptance of equivalent alternative means of meeting the requirements of LAC 33:V.1507 in whole or in part. This shall be done through submission of proof that necessary procedures for the protection of health and property are provided by other means and that representatives of local fire and police departments, if any, are adequately informed of such means.

Response:

1507.D. The applicant is not proposing alternate means of meeting security requirements.

REGULATION:

1507.E. Perimeter Barrier. A constructed barrier shall enclose the entire hazardous waste site and shall have the capability to deny unauthorized or unknowing ingress or egress and to prevent entry by domestic livestock.

Response:

1507.E. The hazardous waste site is enclosed by a six-foot high chain link fence as shown in Figure 3. This provides the ability to deny unauthorized or unknown ingress or egress and to prevent entry by domestic livestock.

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REGULATION:

1507.F. Perimeter Clear Zone. A clear, lighted path shall be constructed and maintained inside the perimeter barrier to permit patrol by vehicle or foot.

Response:

1507.F. As shown in Figure 3, a 100 foot clear zone is maintained between units and the hazardous waste site perimeter fence. This clear zone is also evident on the aerial photograph (Figure 2).

Lights are provided at the gated entry to the facility and the hazardous waste site. Each light is equipped with a photo-electric sensor for automatic operation. The condition of the sensors and the lights are checked regularly in accordance with the inspection schedule presented in Section 1509 of this permit application. Clear zones are provided between the units and the hazardous waste site perimeter fence, as described in Section 517.B.7., to permit access to these areas by emergency vehicles and personnel.

REGULATION:

1507.G. Required entry facilities include the following:

1507.G.1. gate at each entry point equipped with secure locking device;

Response:

1507.G.1. The gate at each entry point is equipped with a secure locking device.

REGULATION:

1507.G.2. gate house for guard, or electromechanical equipment permitting controlled access; and

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Response:

1507.G.2. The main gate to the facility is equipped with a gate house.

REGULATION:

1507.G.3. floodlighting at each entry to insure a well-lighted, safe, and secure area at night.

Response:

1507.G.3. Lights are provided at the facility entrance, at the entrance to the operating area, and the hazardous waste site.

REGULATION:

1507.H. Emergency Response Facilities

Response:

1507.H.

REGULATION:

1507.H.1. Communications. An alarm system with controls accessible to each area of potential spill, explosion, or fire; telephone contact to each facility location; two-way radios for key personnel; and

Response:

1507.H.1. Two-way radios are the primary means of communication with the burn area. Radio base stations are located at the administration building and the control room overlooking the burn area. Personnel use hand held radios to communicate anywhere on the site.

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REGULATION:

1507.H.2. Fire Control. Portable fire extinguishers, decontamination facilities, fire control equipment at incinerators, mixing and treatment vats; and other fire-hazard facilities and fire hydrants (with capacity as required by state fire code) located not more than 200 feet from each fire-hazard facility.

Response:

1507.H.2. The type and onsite location of firefighting equipment are shown on Figure 3 and discussed in the Contingency Plan presented in Section 1513. Fire extinguishers are located at the facility office, at the burnarea, truck staging, and at the preparation buildings. Fire extinguishers are considered spark producing devices and are not permitted to be stored within 50 feet of the storage magazines. A fire disk and tractor are kept onsite that can be used for fire control.

Water hoses are located in the burning areas. Water, when needed, is pumped from the pond near the facility office. Due to the reactive nature of the waste being treated, the SOP for fighting a fire of the waste itself includes maintenance of clear zones and allowing the fire to burn out, rather than active close-in fire fighting.

Clear zones are provided around the storage magazines and the burning areas to permit access by emergency equipment and crews.

REGULATION:

1507.I. Safety Control Devices

REGULATION:

1507.I.1. Moving Equipment Barriers. Steel or concrete posts or barriers capable of stopping trucks or other equipment used on the site (at maximum expected speed) shall be installed to protect all hazardous waste above-ground pipelines, valves, or other containers located adjacent to roadways.

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Response:

1507.I.1. The storage magazines containing the untreated wastes are the only onsite structures where moving equipment could potentially be a hazard. Trucks delivering wastes to these magazines and onsite waste transfer vehicles are permitted to travel at a maximum speed of 15 miles per hour within the facility boundaries. The storage magazines are sturdy structures built to the standards of magazines established by the Bureau of Alcohol, Tobacco, and Firearms.

REGULATION:

1507.I.2. Personnel Barriers. Barriers shall be installed at all locations where employees or visitors normally come in contact with ponds, lagoons, incinerators, treatment facilities, and other high-hazard locations.

Response:

1507.I.2. Personnel barriers are located around the two critical waste activity areas in the facility: the storage magazines and the burning areas. The fence enclosing the treatment and storage areas is six-foot in height and topped with barbed wire. The fence entrance consists of six-foot high rail gates. The gate is locked when access needs to be controlled.

REGULATION:

1507.J. Exterior Lighting

REGULATION:

1507.J.1. All personnel barriers shall be lighted; all vehicle barriers shall have reflectors.

Response:

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1507.J.1. Security lights are located at the entry gate into the facility from Highway 471 and at the gate through the fence separating the operating area and the office area. Security lights are located in the storage and treatment areas.

REGULATION:

1507.J.2. Entry gates shall be lighted (see LAC 33:V.1507.G.3).

Response:

1507.J.2. The gates for the site entrance, the operating area, and the burning areas are illuminated by security lights.

REGULATION:

1507.J.3. Perimeter barriers shall be lighted (see LAC 33:V.1507.B).

Response:

1507.J.3. The perimeter barrier for the hazardous waste site is the fence immediately surrounding the hazardous waste site. The operating area occupies less than one-third of the total 690 (approximate) acres of the facility and is located away from the facility boundaries. The storage area is well lit at night.

REGULATION:

1507.K. Signs. A sign with the legend "Danger—Unauthorized Personnel Keep Out" must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion but in no case shall the spacing be greater than 200-foot intervals. The legend must be written in English and in any other language predominant in the area surrounding the facility, and must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger—Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are

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allowed to enter the active portion, and that entry onto the active portion can be dangerous.

Response:

1507.K. Warning signs are posted every 50 feet along the fence enclosing the burning areas. The legend on the signs is "DANGER -UNAUTHORIZED PERSONNEL KEEP OUT." Similar signs are posted at each corner of the storage magazines, on each corner of the fence enclosure, and at the gate between the operating area and the facility office area. Signs warning of smoking and open flame are located at the gate entering the operations area.

1509. GENERAL INSPECTION REQUIREMENTS

REGULATION:

1509.A. The owner or operator must inspect his facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to:

REGULATION:

1509.A.1. a release of hazardous waste; or

Response:

1509.A.1.

Potential hazardous release would be associated with spilling untreated wastes in the treatment areas where they could cause an unplanned event. Spills in these areas would most likely occur during handling by facility personnel. Such spills are addressed by 1) visual inspections of these areas each time they are used and 2) collecting all observed spilled wastes for immediate thermal treatment. Possible spills within magazines 8, 9 and 10 will be contained by providing thresholds and vertical floor vent extension.

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REGULATION:

1509.A.2. A Threat to Human Health

The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

Response:

1509.A.2. The inspection and maintenance schedules include visually examining the storage magazines; the containers of waste to check for possible leaks onsite; onsite transfer equipment; tools used to prepare the wastes for treatment; emergency response equipment; communications; and other operating equipment. The frequency of the inspections and maintenance requirements are based on manufacturer's recommendations when available. All maintenance and repairs will be completed in a timely fashion to ensure proper functioning of equipment and systems at all times.

REGULATION:

1509.B. Schedule. LAC 33:V.517.G requires the inspection schedule to be submitted with Part II of the permit application. The administrative authority will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment.

Response:

1509.B. The schedule is included in Appendix 3.

REGULATION:

1509.B.1. The owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps)

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that are important to preventing, detecting, or responding to environmental or human health hazards.

1509.B.1. In accordance with LAC 33:V.517.G, the inspection schedule (see Appendix 3) is submitted with this part of the permit application. The inspection schedule is based on manufacturer's recommendations whenever possible and is designed to prevent deterioration or malfunction of onsite operating and emergency equipment and structures that could lead to the occurrence of an accidental or uncontrolled fire or explosion or hinder the efforts of emergency personnel. As part of the inspection procedures, the containers containing waste will be visually checked for leaks that could potentially cause an accidental fire or explosion.

REGULATION:

1509.B.2. He must keep this schedule at the facility.

Response:

1509.B.2. The inspection schedule will be kept at the facility.

REGULATION:

1509.B.3. The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

Response:

1509.B.3. The inspection schedule presented in Appendix 3 lists specific problems and items to be checked for each piece of operating and emergency equipment; storage, preparation, and burning units; and the communication systems. Inspection personnel will note their findings on the inspection report. The report will also include descriptions of service or repair actions taken during the inspection or that need to be taken to ensure proper functioning of all equipment and systems.

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REGULATION:

1509.B.4. The frequency of inspection may vary for the items on the schedule. However, inspections should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the terms and frequencies called for in LAC 33:V.1709, 1719, 1721, 1731, 1907, 1911, 2109, 2309, 2507, 2711, 2907, 3119, and 3205, where applicable.

[Comment: LAC 33:v.517.G requires the inspection schedule to be submitted with Part II of the permit application. The department will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the department may modify or amend the schedule as may be necessary.]

Response:

1509.B.4. The frequency with which items or problems are to be inspected is listed on the inspection schedule presented in Appendix 3. The inspection frequencies are based, whenever possible, on the recommendations by equipment manufacturers. The personnel completing the inspection reports will note the date and time of the inspection. The inspector will sign the inspection form.

The storage and treatment areas will be visually inspected each day that a waste shipment has been unloaded and stored or waste had been prepared and treated. The containers of wastes will be checked for leaks. The date, time, and the results of each visual inspection will be noted on the inspection report and entered into the operating record of the facility.

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REGULATION:

1509.C. The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals; a schedule must be set up to ensure that the problem does not lead to an environmental or human health hazard. When a hazard is imminent or has already occurred, remedial action must be taken immediately.

Response:

1509.C. The operator will service or repair all observed equipment malfunctions or deteriorations identified during each inspection. Leaking containers of wastes will be repackaged or removed for immediate thermal treatment. The information noted in the inspection report will include the condition of all equipment and areas examined, what immediate action was taken as a result of the inspection, and/or what future action is necessary to ensure the continued proper functioning of equipment and systems. A schedule and description of necessary activities to complete future repairs will be included in the report. The future repair work will be completed in a timely manner to minimize potential hazards to facility personnel, the public, and the environment.

REGULATION:

1509.D. The owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

Response:

1509.D. All inspection, maintenance, and repair activities will be described in an inspection report and will be referenced by time, date, and the name(s) of the facility personnel completing the inspection or repair and maintenance work. These reports will be maintained at the facility and will become part of the operating record of the facility.

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The records will be kept for at least three years to comply with LAC 33:V.1509.D and LAC 33:V.1529.

1511. PREPAREDNESS AND PREVENTION

REGULATION:

1511.A. Applicability. The regulations in this Section apply to owners and operators of all hazardous waste facilities.

REGULATION:

1511.B. Design and Operation of a Facility. Facilities must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Response:

1511.B. Hazards to human health and the environment from storing and treating wastes are associated with the occurrence of unplanned events. The operator is committed to making the treatment facility as safe as possible to protect the facility personnel, the public, and the environment. Plans and procedures presented in this permit application for inspection, maintenance, and operation of the facility address the importance of minimizing potential occurrences of unplanned or uncontrolled fires or explosions.

The wastes are stored in properly designed storage magazines that are well-ventilated to minimize the build-up of extreme heat or pressures. As shown in Figures 1 and 3, the storage and treatment areas are located a sufficient distance apart based on ATF requirements to limit the potential for an incident at one location to spread to the other. Other measures to minimize potential spread of fire or explosion include fire lanes around the treatment and storage areas; visual monitoring of the burn area, preparation, and treatment activities; development of a contingency plan and emergency response

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procedures in coordination with offsite local and state emergency response agencies; proper inspection and maintenance of onsite operating equipment; and established buffer zones at least 660 feet wide between site boundaries and waste storage and treatment units.

REGULATION:

1511.C. Required Equipment. All facilities must be equipped with the following, unless it can be demonstrated to the administrative authority that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

REGULATION:

1511.C.1. an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

Response:

1511.C.1. Electrical alarm systems cannot be used at the storage magazines, and cannot be active in the treatment areas when untreated wastes are present.

As part of the personnel training program, presented in Section 1515, and the onsite emergency response procedures, presented in Sections 1513 and 1525, the employees are trained on the appropriate immediate actions they are to take when an emergency exists.

REGULATION:

1511.C.2. a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

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Response:

1511.C.2.

As discussed in the contingency plan, presented in Section 1513 and 1511.C.1., the facility office is equipped with a telephone and a two-way radio base station. Emergency contact numbers are posted at the location of each telephone. The control room also has a base station radio, and personnel on site use hand held radios to communicate.

REGULATION:

1511.C.3. portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

Response:

1511.C.3. As discussed in the Contingency Plan, portable fire extinguishers are located at the entrances to the burn areas, at the preparation building, and at the office. Fire extinguishers are not located within 50 feet of the storage magazines. Other fire control equipment, such as water hoses, the tractor, and fire rake, are located in or near the storage areas.

Spill control equipment consisting of brooms, shovels, rakes and containment drums are available to collect spills of solid waste. Equipment cleanup procedures typically involve water washing the tools used to collect spilled wastes. All spill control equipment will be made of a non-spark material to prevent the ignition of the waste.

Personnel protection equipment consisting of half face and full face respirators, safety glasses, hard hats, Tyvek suits and gloves will be available for use by personnel during spill cleanup.

The types and location of the emergency equipment and cleanup procedures are discussed in detail in the Contingency Plan referenced in Section 1513 and shown on Figure 3.

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REGULATION:

1511.C.4. water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray

Response:

1511.C.4. Due to the explosive nature of waste being burned, no attempt is made to fight a fire in any waste area; rather, the fire is allowed to burn out.

REGULATION:

1511.D. Testing and Maintenance of Equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

Response:

1511.D. The applicant has prepared an inspection schedule for all onsite operating and emergency equipment, personnel protection equipment, and communication and monitoring systems to assure proper functioning, particularly in emergency situations. The inspection schedule is presented in Appendix 3 and discussed in Section 1509 of this permit application. The inspection reports, maintenance and repair records will become part of the operating record for the facility, as required by LAC 33:V.1529.

REGULATION:

1511.E. Access to Communications or Alarm System

Access to Communications or Alarm System

Response:

1511.E.

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REGULATION:

1511.E.1. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless it can be demonstrated to the administrative authority that such a device is not required.

Response:

1511.E.1. The most likely hazards to occur when handling the wastes are sudden or uncontrolled fires or explosions. Communication devices, such as two-way radios and telephones, will be utilized. The facility will rely on visual and voice contact to verify the safety of personnel handling the wastes.

Two way radio communication is maintained by the use of base stations at the administrative office and the control building, and hand held radios throughout the site.

REGULATION:

1511.E.2. Anytime there is at least one employee on the premises while the facility is operating, he must have immediate access to a device such as a telephone, immediately available at the scene of operation, or a hand-held two-way radio, capable of summoning external emergency assistance, unless it can be demonstrated to the administrative authority that such a device is not required.

Response:

1511.E.2. As discussed in Section 1516.E.1 above, and the Contingency Plan, presented in Appendix 4 of this permit application, a telephone and radio at the office can be used to summon immediate assistance as required. Two way radios are carried by the operating personnel and provide communication to all parts of the site.

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REGULATION:

1511.F. Required Aisle Space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the administrative authority that aisle space is not needed for any of these purposes.

Response:

1511.F. The aisle space between the storage magazines and the surrounding fences is at least 100 feet wide. These aisle spaces are clear zones to provide adequate access to each storage area by emergency crews and equipment and to minimize the potential spread of fire or explosion. Aisle spaces within the magazines are approximately three feet wide.

The aisle space is approximately 100 feet between the open burners and the fence enclosing the treatment areas. The open burners are located at least 30 feet apart. These aisle spaces provide adequate access by personnel and offsite and onsite emergency equipment.

A 20-foot wide clear zone is located adjacent to the preparation building to provide sufficient access by emergency personnel and equipment to all sides of the structure.

The access road from Highway 471 to the storage and treatment areas is at least 20 feet wide. The access road width is more than adequate to permit unobstructed passage of emergency equipment and personnel to all active areas on the facility.

REGULATION:

1511.G. Arrangements with Local Authorities

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REGULATION:

1511.G.1. The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

Response:

1511.G.1. The applicant has contacted the following local, state, and federal agencies that have jurisdiction in the area or that would be asked to respond to assist in an emergency:

- Grant Parish Sheriff Department
- Verda Volunteer Fire Department
- Colfax Fire Department
- Parish Ambulance Service
- Grant Medical Center
- Grant Parish Emergency Planning Committee
- Louisiana State Police - Emergency Response

The Contingency Plan presented in Section 1513 discusses how these agencies interact with each other and with onsite personnel, as well as when they are contacted, who makes the contact, and what information is to be provided these agencies when asked to assist.

REGULATION:

1511.G.1.a. arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

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Response:

1511.G.1.a. The applicant has contacted the following local, state, and federal agencies that have jurisdiction in the area or that would be asked to respond to assist in an emergency:

- Grant Parish Sheriff Department
- Verda Volunteer Fire Department
- Colfax Fire Department
- Parish Ambulance Service
- Grant Medical Center
- Grant Parish Emergency Planning Committee
- Louisiana State Police - Emergency Response

The Contingency Plan presented in Section 1513 discusses how these agencies interact with each other and with onsite personnel, as well as when they are contacted, who makes the contact, and what information is to be provided these agencies when asked to assist.

REGULATION:

1511.G.1.b. where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

Response:

1511.G.1.b. In accordance with the Contingency Plan, the Colfax Fire Department and the Grant Parish Sheriff Department will be the primary local authorities that would respond to an emergency situation at the facility. The operator has made arrangements with these agencies whereby they will obtain assistance from, and direct the actions of, nearby fire and police departments, if needed. The Grant Parish Sheriff Department has agreed to coordinate the actions of all local and nearby emergency agencies that may be

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called in to assist in an emergency situation. These agreements and arrangements are discussed in the Contingency Plan, presented in Section 1513.

REGULATION:

1511.G.1.c. agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

Response:

1511.G.1.c. During an emergency situation, the applicant will contact the Louisiana Departments of Environmental Quality and Public Safety in accordance with the requirements of the Louisiana Administrative Code and the Contingency Plan presented in Appendix 4 of this permit application. Coordination of, and arrangement with, state emergency agencies are discussed in the Contingency Plan and in the Emergency Response Procedures presented in Appendix 4 and Section 1525.

REGULATION:

1511.G.1.d. arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

Response:

1511.G.1.d. As noted in the facility Contingency Plan, Grant Medical Center, and Parish Ambulance Service have been asked to agree to assist during an onsite emergency. Emergency personnel from these agencies will be asked to participate in the portions of the training program that address medical emergencies, facility operations, waste streams, potential hazards, and in practice drills.

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REGULATION:

1511.G.2. Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

Response:

1511.G.2. If any of the local authorities decline to enter into such arrangements at some point in the future, the refusal will be documented in the operating record.

1513. CONTINGENCY PLAN AND EMERGENCY PROCEDURES

The Contingency Plan has been placed as a stand-alone document in Appendix 4.

1515. PERSONNEL TRAINING

REGULATION:

1515.A. Instruction Program

REGULATION:

1515.A.1. Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Section. The owner or operator must ensure that this program includes all the elements described in the document required in LAC 33:V.1515.D.3.

Response:

1515.A.1. The emergency and alternate emergency coordinators and any employee who handles, stores, prepares, and treats reactive and listed wastes at the facility participate in an on-the-job training program. This program will include all elements described in Section 1515.D.3. All employees will be provided a copy of the training

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manual. As part of the program, all employees will attend a four-hour classroom session that includes review and discussion of the contents of the training manual. The training program will address the type of reactive and listed wastes processed at the facility; the applicable sections of the Resource Recovery Act and the Louisiana Administrative Code; proper procedures for handling, storing, and treating wastes; the use of emergency equipment; emergency response procedures; and first aid instruction. The outline of the training manual and descriptions of the key topics of the training program are presented in Appendix 5.

REGULATION:

1515.A.2. This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

Response:

1515.A.2.

This program will be directed by a person trained in hazardous waste management procedures, and will include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. The individual(s) responsible for training will be specifically designated in the training manual.

REGULATION:

1515.A.3. At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable:

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Response:

1515.A.3. All facility personnel are instructed in the use of onsite emergency equipment, and emergency communication systems. Employees are further instructed in the use of personnel protective equipment required when handling wastes that produce toxic gases when decomposing or when being treated. The procedures, each employee's responsibilities, and interaction of onsite and offsite emergency response teams are explained.

REGULATION:

1515.A.3.a. procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

Response:

1515.A.3.a. Existing and new employees at the facility are instructed in the use of the onsite emergency equipment. The employees will participate in annual workshops demonstrating the procedures for inspecting, repairing, and replacing this equipment. The employees will assist in maintaining the equipment to develop on-the-job experience. New employees will begin on the job training (OJT) immediately after being hired.

REGULATION:

1515.A.3.b. key parameters for automatic waste feed cut-off systems;

Response:

1515.A.3.b. Automatic waste feed cut-off systems are not used at the treatment facility; therefore this section is not applicable.

REGULATION:

1515.A.3.c. communications or alarm systems;

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Response:

1515.A.3.c. All employees are instructed on the proper use of mobile radios in the vicinity of wastes and listed in Section 517.A. They are shown where all telephones are located on the facility. They are told how to notify offsite repair services for the communications systems, as appropriate. The employees are instructed on how often inspections and maintenance procedures should be performed and how to document pertinent information for each inspection, maintenance, and repair activity.

REGULATION:

1515.A.3.d. response to fires or explosions;

Response:

1515.A.3.d Employees are trained to respond to fires and explosions using procedures described in the Contingency Plan. Employees are thoroughly familiar with this plan and will receive additional training regarding any changes to the plan.

REGULATION:

1515 A.3.e response to ground water contamination incidents; and

Response:

1515 A.3.e Employees will be trained as part of the facility training program to respond to ground water contamination incidents.

REGULATION:

1515.A.3.f. shutdown of operations.

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REGULATION:

1515.B. Facility personnel must successfully complete the program required in LAC 33:V.1515.A within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements in LAC 33:V.1515.A.

Response:

1515.B. New employees will complete the training program within six months after the date of their employment. Until they successfully complete the program, new employees will be supervised by the operator whenever they are handling wastes or working with onsite emergency equipment and systems.

REGULATION:

1515.C. Facility personnel must take part in an annual review of the initial training required in LAC 33:V.1515.A.

Response:

1515.C. LESTT will conduct an annual training refresher program to review the initial training and to review pertinent changes and events that occurred during the past year. The annual refresher program will consist of:

- A repeat of key aspects covered in the initial training program;
- An update on any changes in waste stream, hazardous waste management procedures, facility design and operation, emergency equipment, communication systems, the contingency plan, and emergency response procedures;
- A review of maintenance and compliance procedures to identify problem areas and possible improvements;

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- A review of changes in state and federal regulations and how such changes affect the facility; and
- A review and analysis of incidents that occurred at the facility if any, that warranted the use of the contingency plan or emergency action. This portion of the program focuses on the cause of the incident, evaluating the effectiveness of the steps taken, and improving procedures to more effectively respond to future emergencies.

REGULATION:

1515.D. The owner or operator must maintain the following documents and records at the facility:

REGULATION:

1515.D.1. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

Response:

1515.D.1.

This information will be maintained in the operating record for the facility.

REGULATION:

1515.D.2. a written job description for each position listed in LAC 33:V.1515.D.1. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications and duties of employees assigned to each position;

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Response:

1515.D.2. The job descriptions are in Appendix 5. This information will be maintained in the operating record for the facility.

REGULATION:

1515.D.3. a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in LAC 33:V.1515.D.1; and

Response:

1515.D.3. This information will be maintained in the operating record for the facility.

REGULATION:

1515.D.4. records documenting that the training or job experience required under LAC 33:V.1515.A, B, and C have been given to, and completed by, facility personnel.

Response:

1515.D.4. This information will be maintained in the operating record for the facility.

REGULATION:

1515.E. Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

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Response:

1515.E. Training records will be maintained in the employee personnel files for the required time period and will be transferred within the company as needed.

1517. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES

REGULATION:

1517.A. The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must restrict smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

Response:

1517.A. The wastes that are stored and treated at the site are self-contained and usually shipped in boxes. The containers of wastes are checked to verify their contents against the shipping manifest, and are then placed in the storage magazines. Incompatible wastes are stored in separate magazines. The individual containers of waste are not opened until they are moved to the preparation building. Preparation may involve perforating, opening, or shortening some waste containers to promote thermal treatment. Diesel fuel is used in the ignition process.

The storage, preparation, and burning areas contain minimal electrical, vibratory, or metal equipment that could potentially promote accidental explosion or fires involving the wastes treated at the site.

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The magazines meet the requirements for storage structures as established by the Bureau of Alcohol, Tobacco, and Firearms. No radios, electrical alarms, or other electrical equipment are located or permitted to be used within the magazine enclosures. Metal tools or equipment, such as metal fire extinguishers, are not located within the storage magazine enclosures.

The burning areas contain the open burners. Fire extinguishers are located at both entrances to the treatment area. Other electrical or metal tools are located or operated away from the open burners to eliminate the potential for unplanned events that could occur such as from sparks or radiant heat.

The preparation building consists of a concrete pad with a metal building, as shown in Figure 11 and 12. Electrical equipment used in the preparation area is shielded. Cutting edges of tools are cooled with liquid.

Smoking, open flames (other than when burning waste), and radios (except those operated by LESTT personnel for communicating) are prohibited within the operating area of the facility. Warning signs stating these restrictions are posted at the entrance to the operating area. Smoking is not allowed while transferring wastes from the administrative area to the operating area within the facility.

REGULATION:

1517.B. The owner or operator of a facility that treats, stores, or disposes of ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, must take precautions to prevent reactions which:

REGULATION:

1517.B.1. generate extreme heat or pressure, fire or explosions, or violent reactions;

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Response:

1517.B.1. Potential sources that could cause an accidental fire or explosion include detonators, poor ventilation in the storage magazines, open flames in the vicinity of the wastes, and mixing incompatible wastes.

Detonators from explosive devices, wastes packed in liquids, water reactive wastes packed in non-aqueous liquids, and liquid wastes are stored in separate magazines (Maximum container size to be 55 gal. metal drums; liquid waste may also come in glass containers). The operator checks the waste manifest of each incoming shipment against the waste record for each storage magazine to ensure that incompatible wastes are not stored at the same location. The storage magazines are well ventilated to prevent extreme heat or pressures from developing within each structure.

Wastes that yield toxic gases when burned shall be burned in small quantities to minimize a threat to human health. Also, the temperature during treatment of the wastes is maintained as low as possible to minimize the potential for an uncontrolled burn. A slow burning, low volatile fuel, such as diesel, is used to assist in the burning process. The burners are open and well ventilated to eliminate development of extreme heat or pressures and to minimize the potential for violent reactions.

REGULATION:

1517.B.2. produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;

Response:

1517.B.2. The major hazard to human health and the environment from open burning is associated with the reactive potential of the wastes, flying debris, explosion and fire. The procedures outlined in the response to 1517.B.1 above will minimize the potential for these hazards. In addition, the operating procedures of not mixing incompatible wastes also guards against toxic fume, dust, or gas production.

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REGULATION:

1517.B.3. produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

Response:

1517.B.3. Flammable fumes or gases produced during treatment are consumed during treatment.

REGULATION:

1517.B.4. damage the structural integrity of the device or facility; and

Response:

1517.B.4. The operator has signs prohibiting smoking, open flames, and radios posted in obvious locations at the entrances to the operating area. The storage magazines and burners are well ventilated. These features of the facility are designed to reduce the potential for an uncontrolled or unplanned fire or explosion to occur that could destroy or damage facility structures.

The storage units are constructed in accordance with the requirements for magazines as set forth by the Bureau of Alcohol, Tobacco, and Firearms. The units will reduce the impact of an uncontrolled explosion on the adjacent environment. If only small amounts of reactive compounds are involved in the incident, the storage magazines may contain an explosion entirely.

The preparation building consists of a concrete slab and a metal building. The potential for a major fire or explosion to occur in this area is minimal since small amounts of reactives are prepared at any given time.

Potential damage to units in the burning area due to fire or explosion would primarily consist of cracking or destroying an open burner. For this reason, volumes of waste treated in each open burner are carefully controlled. Low volatile diesel fuel is used to

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assist the treatment process. Each unit is visually inspected before and after the treatment process to verify their working condition. The units are simply constructed and can be replaced in a short period of time if necessary.

REGULATION:

1517.B.5. through other like means threaten human health or the environment.

Response:

1517.B.5. Hazards to human health and the environment associated with storage and treatment of wastes are from unplanned or uncontrolled fires or explosions. The operator has placed warning signs in appropriate areas; designed the facility to comply with the applicable federal, state, and local standards; provided large buffer zones around the operating area; developed plans for emergency response in coordination with local and state agency involvement; will visually monitor the operating area when in use; and will not permit open flames, the use of welders or similar heat and spark generating equipment, or smoking in the vicinity of the stored reactives or reactives being prepared for treatment.

REGULATION:

1517.C. In landfills and burial sites, incompatible wastes shall be adequately separated to avoid mixing of the wastes during operation or after closure.

Response:

1517.C. This facility does not have landfills or burial cells so 1517.C does not apply.

REGULATION:

1517.D. Treatment and storage facilities containing ignitable, reactive, or incompatible wastes shall be sufficiently separated or protected to prevent mixing, ignition, or reaction as a result of a spill, tank failure, or other cause. Protection

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shall include use of container materials compatible with the wastes contained therein.

Response:

1517.D. The wastes are in DOT approved containers when they are delivered to the facility. The wastes are transferred directly in their original shipping containers to the storage magazines. The types of wastes delivered are checked against what is already present in each storage magazines. Incompatible wastes, such as detonators, will be placed in separate magazines.

The storage units are built in accordance with the requirements for magazines established by the Bureau of Alcohol, Tobacco, and Firearms. Except for magazines 8, 9, and 10, the storage magazines are located no closer than 100 feet to each other, as shown on the facility plan in Figures 1 and 3.

Wastes are transported to the treatment areas using a utility vehicle and trailer. Incompatible wastes are transferred from the storage area in separate trips. The trailer will be examined after each trip to check for material that may have leaked from the previous load and could potentially cause an unexpected reaction with the subsequent load of waste. The operator will check the preparation building after each batch of waste has been prepared and moved to the burning areas. Incompatible wastes will be treated in different open burners to eliminate potential mixing or reaction.

REGULATION:

1517.E. Any container, including tank trucks, used to transport waste shall be cleaned before leaving the disposal site. Such cleaning should be by a method or methods necessary to remove the hazardous constituents to a level which will not cause an incompatibility with any subsequent shipment and/or of itself render any future load hazardous. All material resulting from such cleaning shall be considered a hazardous waste unless otherwise approved by the administrative authority.

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Response:

1517.E. The operator uses a trailer attached to a utility vehicle to transport wastes within the operating area of the facility. After each load, the trailer will be inspected to determine if waste has leaked from the containers onto the trailer bed. Any leaked waste will be collected in metal or glass containers, and will be treated and disposed by burning. If necessary, water will be used to cleanup any remaining waste on the trailer bed. Water used in this cleanup will be collected in containers and disposed by burning. These procedures will reduce the presence of such material on the trailer to a level that minimizes potential reaction of a subsequent load of incompatible waste.

In addition, containers that are used to store listed hazardous waste residue will be inspected weekly at a minimum.

REGULATION:

1517.F. When required to comply with LAC 33:V.1517.A and B, the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

Response:

1517.F. The operator has designed the treatment facility to meet the applicable requirements of local, state, and federal agencies and regulations concerned with storing and treating wastes. These agencies include the Bureau of Alcohol, Tobacco, and Firearms, the LDEQ, and the LDPS.

The type of storage units, open burners, and other equipment utilized for site operations and operating procedures, including emergency response plans, is presented in more detail in Sections 517.T.7 and 1513 of this permit application. These sections also contain supporting documentation, where appropriate, to justify the different aspects of the facility design. The operating procedures and plans presented in this permit

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application will promote operation of the facility in a safe manner that minimizes potential hazards to human health and the environment associated with storing and treating the wastes. Approval of this permit application by the administrative authority will notify the operator that these plans and procedures comply with the applicable regulations.

The operator will maintain profiles at the facility office to verify the nature and type of waste delivered to the facility for storage and treatment. The profile will be referenced on the incoming waste records. The movement of waste onsite will be recorded, including the type and quantity of waste, previous and new locations onsite, and date and time of treatment or onsite transfer. The shipment manifests, onsite waste movement records, waste analysis, and other required records will be part of the operating record for the facility.

1519. GENERAL WASTE ANALYSIS

REGULATION:

1519. Hazardous Waste Chemical and Physical Analysis

See Appendix 2 for the stand alone Waste Analysis Plan (WAP). This section will reference sections of Appendix 2.

1519.A.1. Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous wastes if applicable under LAC 33:V.3513.D, he or she must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with all requirements of LAC 33:V.Chapters 15 and 22.

Response:

1519.A.1. The Waste Analysis Plan requires that the generators will supply profiles of the waste detailing all information that must be known to store and treat the waste in accordance with all requirements of LAC 33:V.Chapters 15 and 22.

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REGULATION:

1519.A.2. The analysis may include data developed under LAC 33:V.Chapter 49 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

Response:

1519.A.2. As noted in the WAP, analyses of incoming waste will be based on existing published or documented data.

REGULATION:

1519.A.3. The analysis must be repeated as necessary to ensure that it is accurate and up-to-date. At a minimum, the analysis must be repeated:

1519.A.3.a. when the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous wastes, or non-hazardous wastes if applicable under LAC 33:V.3513.D, has changed; and

Response:

1519.A.3.a. As noted in Section 2.3 of the WAP, Laidlaw will review the analyses if it believes or is notified that the waste has changed. As a minimum, Laidlaw will require annual updates of profiles from generators.

REGULATION:

1519.A.3.b. for off-site facilities, when the results of the inspection required in LAC 33:V.1519.A.4 indicate that the hazardous waste received at the facility does not match the waste designated in the accompanying manifest or shipping paper.

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Response:

1519.A.3.b. As noted in Section 2.1 of the WAP, Laidlaw will verify that the waste received matches the waste manifested and the description of the wastes from existing profiles. If discrepancies are noted, additional data will be obtained.

REGULATION:

1519.A.4. The owner or operator of an offsite facility must inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

Response:

1519.A.4. Laidlaw will inspect the waste received to verify its identity compared to the waste profile and the manifest. Laidlaw will not analyze incoming waste due to safety concerns.

REGULATION:

1519.B. The owner or operator must develop and follow a written waste analysis plan which describes the procedures which he will carry out to comply with LAC 33:V.1519.A. He must keep this plan at the facility. At a minimum, the plan must specify:

The Waste Analysis Plan required by this section is in Appendix 2.

REGULATION:

1519.B.1. the parameters for which each hazardous waste, or non-hazardous waste if applicable under LAC 33:V.3513.D, will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with LAC 33:V.1519.A);

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Response:

1519.B.1. Incoming waste is not analyzed due to its reactive nature. Analytical data are obtained from references maintained on site and profiles provided by the generator. Outgoing waste consists of ash residue from thermal treatment of the wastes. Section 3.1 of the WAP describes the analyses to be conducted on ash from treatment of characteristic waste. Section 3.2 of the WAP describes the analyses to be conducted on ash from the treatment of listed waste. The rationale for the parameters analyzed is presented in the WAP.

REGULATION:

1519.B.2. the test methods as specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW846) or equivalent approved by the administrative authority which will be used to test for these parameters; and

Response:

1519.B.2. SW-846 method numbers for analysis of outgoing waste are contained in Sections 3.1 and 3.2 of the WAP.

REGULATION:

1519.B.3. the sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using a method approved by the administrative authority.

Response:

1519.B.3. Incoming waste is not sampled. Section 3.1 of the WAP describes the sampling method for ash from a characteristic waste; Section 3.2 of the WAP describes the sampling method for ash from a listed waste.

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REGULATION:

1519.B.4. the plan must further specify the frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date;

Response:

1519.B.4. Incoming waste is not analyzed. Sections 3.1 and 3.2 respectively of the WAP specify the frequency for analysis of the outgoing ash from characteristic and listed wastes.

REGULATION:

1519.B.5. the Quality Assurance and Quality Control (QA/QC) procedures used to ensure the waste sampling and analysis are satisfactory;

Response:

1519.B.5. Incoming waste is not sampled or analyzed. Section 3.2 of the WAP lists QA/QC procedures for the ash.

REGULATION:

1519.B.6. the plan must further specify for offsite facilities the waste analyses that hazardous waste generators have agreed to supply; and

Response:

1519.B.6. As noted in Section 2.2 of the Waste Analysis Plan, each generator supplies Laidlaw with a profile of the waste they will submit. These profiles are revised at least annually.

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REGULATION:

1519.B.7. where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in LAC 33:V.1517, 1711.D, 1741.D, 2515, 3107, and 2245;

Response:

1519.B.7. Of the regulations cited, only LAC 33:V.1517 and 2245 apply to the operations conducted at the facility. The procedures specified in the WAP will ensure that all specific waste management methods are met.

REGULATION:

1519.B.8. for surface impoundments exempted from land disposal prohibitions under LAC 33:V.2237, the procedures and schedules for:

- a. the sampling of impoundment contents,**
- b. the analysis of test data, and**
- c. the annual removal of residues which are not delisted under LAC 33:V.105.M or which exhibit a characteristic of hazardous waste and either:**
 - i. do not meet applicable treatment standards of LAC 33:V.Chapter 22, Subchapter B, or**
 - ii. where no treatment standards have been established:**
 - (a). such residues are prohibited from land disposal under LAC 33:V.2213, or**
 - (b). such residues are prohibited from land disposal under LAC 33:V.2215.**

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Response:

There are no surface impoundments at the LESTT facility; therefore, this section does not apply.

REGULATION:

1519.C. For off-site facilities, the required waste analysis plan must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

Section 2.1 of the waste analysis plan describes the handling of the incoming waste. This handling includes verification of the waste identity with the manifest and with existing waste profiles.

REGULATION:

1519.C.1. the procedures which will be used to determine the identity of each movement of waste managed at the facility; and

Response:

1519.C.1. Section 2.1 of the WAP describes the procedures to identify each movement of waste managed at the facility.

REGULATION:

1519.C.2. the sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling. (LAC 33:V.517.C requires that the waste analysis plan be submitted with Part II of the permit application.)

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Response:

1519.C.2. Due to safety concerns, the identification method for incoming wastes or wastes stored and treated at the facility does not include sampling and testing. Visual identification is used when moving wastes within the facility boundaries.

Sampling procedures for wastes to be shipped off site are described in Sections 3.1 and 3.2 of the WAP.

REGULATION:

1519.C.3. the procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

Response:

There is no landfill at the facility; therefore this section is not applicable.

REGULATION:

D. Certification. All waste analysis plans must be certified by a Louisiana licensed professional engineer (PE).

Response:

The Waste Analysis Plan has been certified by a Louisiana licensed professional engineer.

1521. CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT FACILITIES (WASTES ONLY)

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REGULATION:

1521. In addition to the requirements listed below, a permit application shall address the technical requirements in LAC 33:V.Chapters 15, 19, 21, 29, 33, 35 and 37.

1521.A. Below-surface basins are governed by LAC 33:V.2903.A.

1521.B. Aboveground and mixing and other facilities in basins shall be certified by the designing engineer or manufacturer.

1521.C. Treatment techniques shall include proper chemical analysis or data collecting such as is necessary to determine compatibility with existing treatment facilities, prevention of the release of toxic gases, and provisions for bacterial control and for safety of operating personnel.

1521.D. pilot or bench-scale tests or reliable operating data must be obtained for any new or altered hazardous waste prior to introduction into an existing or new treatment sequence.

1521.E. Storage and handling procedures insuring protection of human health and the environment must be observed for all treatment chemicals or reagents.

1521.F. Proper design and operation of all equipment must be maintained to insure minimum spillage, foaming, or misting.

1521.G. Reserve emergency storage must be maintained for critical process areas to insure against operational mishaps and inadvertent volumetric surges.

1521.H. Flow safeguards and cut-offs must be included in the flow system to avoid improper operation, overflow, or treatment defects.

1521.I. Residual sludges or by-products shall be analyzed before disposition within the treatment sequence.

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1521.J. An air monitoring system is required under LAC 33:V.3305.E.

Response:

The LESTT facility does not employ chemical, physical, or biological treatment; therefore, this section is not applicable.

1523. SURVEILLANCE AND MONITORING

REGULATION:

1523.A. Primary responsibility for the proper handling of hazardous wastes is assumed by the industry operating under these rules and regulations and cooperating with the department in meeting the purposes of the Act. As part of this responsibility, the owner or operator of any treatment, storage, or disposal facility shall develop a schedule of routine facility inspections and shall keep a log or record of all inspections carried out thereunder. The owner or operator shall likewise develop and adhere to a waste analysis plan to be approved by the department.

Response:

1523.A. The inspection schedule developed for the facility is presented in Appendix 3. The inspection schedule was developed in accordance with LAC 33:V.1509. The inspection schedule includes a listing of each equipment item to be inspected, a description of the purpose for inspection, equipment maintenance requirements, and the required inspection frequency. As part of the routine inspection procedures, a record is maintained of all inspections. The record includes the date, time, purpose, and results of the inspection; a description of the required maintenance or repair, if needed; and action taken or to be taken to correct any malfunction or repairable deterioration identified during the inspection. The inspection record is entered into the operating record for the facility.

The WAP is contained in Appendix 2 of this application. This plan complies with the requirements of LAC 33:V.1519.A. The compositions of the wastes are known at the time

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of manufacture. Analyses for each type of waste treated at the site is usually obtained from the generator. LESTT personnel will check the manifest for each shipment against the actual contents of the waste loads delivered to this facility.

REGULATION:

1523.B. Department surveillance and monitoring includes the following:

1. analysis of manifests and manifest reports to determine that all wastes generated are disposed of in permitted sites and that the proper disposal method has been used;

1523.B.2. periodic inspections required by the permit maintenance program to insure that facilities treating, storing, and disposing of hazardous wastes are operated in conformity with the terms of the permit and these rules and regulations;

1523.B.3. spot inspections and sampling by the traveling laboratory and the analytical and inspection team;

1523.B.4. a systematic program to conduct or to require investigations and recording of the groundwater, leachate, and air monitoring systems;

1523.B.5. response to citizen complaints and suggestions concerning operation of the system; and

REGULATION:

1523.B.6. such other procedures as may be deemed necessary by the administrative authority.

Response:

LESTT acknowledges the administrative authority's privilege to conduct the foregoing activities.

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REGULATION:

1523.C. Violations discovered through such surveillance and monitoring shall be the subject of enforcement actions pursuant to LAC 33:V.107 of these regulations.

Response:

LESTT acknowledges the administrative authority's ability to initiate enforcement actions.

1525. EMERGENCY RESPONSE

REGULATION:

1525.A. Purpose. To provide for control and clean-up of accidental spills and other emergency situations involving hazardous wastes resulting from a violation of a requirement of these regulations or the Act.

1525.B. Program. The department, working with the Department of Public Safety, will establish the following program:

1525.B.1. emergency response equipment and teams located in strategic locations;

1525.B.2. emergency response plan involving a communication system, cooperation with local police and fire departments, training program based, as a minimum, on the "emergency information card," and an operations plan for each class of emergency situation; and

1525.B.3. the Emergency Response Program will respond to all in-transit accidents and spills, and respond to on-site emergencies when called by the operator or in accordance with provisions of LAC 33:V.1513.F.

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Response:

LESTT acknowledges that the LDEQ has established an emergency response program, and pledges to cooperate in its execution.

1527. RECEIVING AND MONITORING INCOMING WASTE

REGULATION:

1527.A. Each site which treats, stores, or disposes of hazardous wastes generated offsite shall be equipped to accomplish the following:

REGULATION:

1527.A.1. Provide control of all incoming waste to prevent entry of unrecorded and unanalyzed hazardous waste; and

Response:

1527.A.1. Entry to the site is from the main access road from Highway 471. The site boundary that fronts on the highway is fenced with a six-foot high wire fence with a six-foot high gate across the access road. A second wire fence, six-foot in height, separates the office area from the operating area of the facility. The access road at this location is also equipped with a six-foot high gate. The storage magazines, burners, and preparation building are located behind this six-foot high chain-link fence topped with barbed wire. All gates and storage buildings are equipped with locks. These features to control unauthorized entry into the facility are described in Section 1507 of this permit application. These measures are designed to prevent unauthorized entry.

All transporters delivering wastes to the facility will be required to provide a manifest from the generator for each load. All loads of wastes will be checked against the manifests. Wastes that do not meet the criteria for treatment by open burning will be rejected. The operator will acknowledge acceptance of the waste by signing the manifest form as described in Chapter 9 of this permit application. The operator will also note the

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onsite disposition of the received waste in the daily operating report for facility activities as required in Section 517.T.7.

REGULATION:

1527.A.2. Measure quantity and type by taking and analyzing a representative sample of waste received to verify the information on the manifest, and to determine proper method for handling and disposal.

Response:

1527.A.2. The wastes are containerized. They cannot be opened to obtain a representative sample of the contents when they are delivered to the site. These wastes are labeled to facilitate identification of the type. Analyses of the contents of each reactive compound is contained in profiles which are retained at the facility office and will be used to verify that the type of waste delivered can be accepted at the site.

The quantity of the wastes for each type in each load will be determined by counting or weighing the number of containers and checking it against the amount recorded on the manifest. The weight for each type of waste is documented in the unloading report.

The wastes will be handled according to the guidelines of the ATF: Explosives Law and Regulations, published by the Bureau of Alcohol, Tobacco, and Firearms, the EPA, and the Louisiana Administrative Code.

REGULATION:

1527.B. Each facility within the site which receives hazardous wastes shall be equipped with necessary devices to record quantities, by classification or other identification, of hazardous wastes deposited into the facility system.

Response:

1527.B. LESTT will keep copies of the manifests in the operating record as described in Chapter 9 and Section 1529 of the application. Also noted in the operating record will

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be the disposition of the wastes by manifest document number, type, quantity, and onsite location after they are accepted at the facility.

REGULATION:

1527.C. Each site shall be equipped with a central control and recordkeeping system which tabulates information from LAC 33:V.1527.A.2 and B.

Response:

1527.C. The records for incoming wastes will note the manifest document number, type, quantity, the onsite locations of each load of wastes, and the corresponding waste profiles as described in Section 1527.A.2, above. These records will be tabulated at the facility office.

REGULATION:

1527.D. Onsite Transfer Systems

1527.D.1. All docking, mooring, loading, and unloading facilities for a hazardous waste treatment, storage, or disposal facility are considered part of the facility operation.

Response:

Absence of a navigable water body on site preclude any docking and mooring.

REGULATION:

1527.D.2. Hose couplings for truck, barge, or pipeline discharge shall be located within a natural or created containment, with an elevation above surface elevation sufficient to contain a ten-minute discharge. Groundwater protection shall be provided.

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Response:

All waste received is containerized. No hose couplings are used. Therefore, this section does not apply.

REGULATION:

1527.D.3. Hose couplings on a barge shall be in a containment area on the barge to prevent leakage from entering the waterway.

1527.D.4. Hoses from a barge to the facility shall be supported by a land-based boom so that the low point of the hose is within the barge or site containment area.

1527.D.5. Barge moorings shall be in a slack water area outside the navigation channel.

Response:

1527.D.5. The site does not have barge access; this section does not apply.

REGULATION:

1527.E. Receiving Waste from an Offsite Source. The owner or operator of a facility that receives hazardous waste from an off site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.

Response:

1527.E. All generators that ship wastes to the facility will be notified that LESTT has obtained the appropriate permits to accept such wastes. The notifications will be given

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in writing. Copies of the notifications will be entered in the operating record and will be maintained at the facility office.

REGULATION:

1527.F. Unmanifested Waste Reports. Any wastes presented for disposal that are not accompanied by a properly completed manifest shall be rejected. The TSD operator shall note the name of the driver, hauler, and the vehicle identification numbers. He shall notify the administrative authority by phone immediately and in writing within seven days of the refusal to accept the waste and provide the administrative authority with the required information.

Response:

1527.F. The operator will only accept wastes that are accompanied by a manifest prepared by the generator. Unmanifested wastes will be treated in accordance with LAC 33:V.909, as discussed in Section 909. All unmanifested wastes that are not exempt under LAC 33:V.Chapter 39 or by administrative authority will be rejected. Any wastes presented for disposal that are not accompanied by a properly completed manifest shall be rejected. The TSD operator shall note the name of the driver, hauler, and the vehicle identification numbers. He shall notify the administrative authority by phone immediately and in writing within seven days of the refusal to accept the waste and provide the administrative authority with the required information.

1529. OPERATING RECORD AND REPORTING REQUIREMENTS

REGULATION:

1529.A. The owner or operator must keep a written operating record at his facility.

Response:

1529.A. LESTT maintains an onsite record of all operating activities at the facility. This record includes the source, type, quantity, and onsite disposition of incoming wastes,

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waste treatment activities, treatment residue volume and offsite disposition, training activities, incident reports, and inspection and maintenance activities.

REGULATION:

1529.B. Records of each hazardous waste received, treated, stored or disposed of at the facility must be recorded in the following manner, as they become available, and maintained in the operating record until closure of the facility.

1529.B.1. A description by its common name and the EPA hazardous waste number(s) (LAC 33:V.Chapter 49) which apply to the waste and the quantity of the waste received. The waste description also must include the waste's physical form, i.e., liquid, sludge, solid, or contained gas. If the waste is not listed in LAC 33:V.Chapter 49, the description also must include the process that produced it.

Response:

1529.B.1.

The record of each type of waste received, stored, and treated includes the common name of the waste, the EPA designation, the quantity of waste, and action taken with respect to the waste: i.e., received, stored, or treated. Records for incoming waste will contain the EPA identification number and a description of the wastes's physical form.

REGULATION:

1529.B.2. Each hazardous waste listed in LAC 33:V.109, and each hazardous waste characteristic defined in LAC 33:V.105.B has a four-digit EPA hazardous waste number assigned to it. This number must be used for recordkeeping and reporting purposes. Where a hazardous waste contains more than one listed hazardous waste, or where more than one hazardous waste characteristic applies to the waste, the waste description must include all applicable EPA hazardous waste numbers.

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Response:

1529.B.2. The EPA four-digit hazardous waste number will be used for recordkeeping and reporting purposes. Where a hazardous waste contains more than one listed hazardous waste, or where more than one hazardous waste characteristic applies to the waste, the waste description will include all applicable EPA hazardous waste numbers.

REGULATION:

1529.B.3. Record the estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in Table 1.

Table 1. Units For Reporting	
Units of Measure	Code ¹
Gallons	G
Gallons per hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds per Hour	J
Kilograms per Hour	R

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Table 1. Units For Reporting	
Units of Measure	Code ¹
Cubic Yards	Y
Cubic Meters	C
Acres	B
Acre-feet	A
Hectares	Q
Hectare-meter	F
Btu's per Hour	I
1 Single digit symbols are used here for data processing purposes.	

Response:

1529.B.3. The weight of the wastes accepted, stored, and treated will be noted in the waste activity portion of the operating record. The reactive wastes received consist of small quantities usually much smaller than a ton. The table above does not have an abbreviation for pounds. Laidlaw proposes to normally report in pounds and to use the symbol "P" for pounds since "P" is not otherwise used. Use of tons instead of pounds would require small fractions of a ton to be noted, with possible confusion.

REGULATION:

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1529.B.4. The method(s) (by handling code(s) as specified in Table 2) and date(s) of treatment, storage, or disposal.

Table 2. Handling Codes for Treatment, Storage, and Disposal Methods
Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of hazardous waste received.
Storage
S01 Container (barrel, drum, etc.)
S02 Tank
S03 Waste Pile
S04 Surface Impoundment
S05 Drip Pad
S06 Containment Building (Storage)
S99 Other Storage (specify)
Treatment
Thermal Treatment
T06 Liquid Injection Incinerator
T07 Rotary kiln Incinerator
T08 Fluidized bed Incinerator
T09 Multiple hearth Incinerator
T10 Infrared furnace Incinerator
T11 Molten salt destructor

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Table 2. Handling Codes for Treatment, Storage, and Disposal Methods
T12 Pyrolysis
T13 Wet air oxidation
T14 Calcination
T15 Microwave discharge
T18 Other (specify)
Chemical Treatment
T19 Absorption mound
T20 Absorption field
T21 Chemical fixation
T22 Chemical oxidation
T23 Chemical precipitation
T24 Chemical reduction
T25 Chlorination
T26 Chlorinolysis
T27 Cyanide destruction
T28 Degradation
T29 Detoxification
T30 Ion exchange
T31 Neutralization
T32 Ozonation
T33 Photolysis
T34 Other (specify)

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**Table 2. Handling Codes for Treatment,
Storage, and Disposal Methods**

Physical Treatment
Separation of components:
T35 Centrifugation
T36 Clarification
T37 Coagulation
T38 Decanting
T39 Encapsulation
T40 Filtration
T41 Flocculation
T42 Flotation
T43 Foaming
T44 Sedimentation
T45 Thickening
T46 Ultrafiltration
T47 Other (specify)
Removal of Specific Components:
T48 Absorption-molecular sieve
T49 Activated carbon
T50 Blending
T51 Catalysis
T52 Crystallization
T53 Dialysis

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Table 2. Handling Codes for Treatment, Storage, and Disposal Methods

T54 Distillation
T55 Electrodialysis
T56 Electrolysis
T57 Evaporation
T58 High gradient magnetic separation
T59 Leaching
T60 Liquid ion exchange
T61 Liquid-liquid extraction
T62 Reverse osmosis
T63 Solvent recovery
T64 Stripping
T65 Sand filter
T66 Other (specify)
Biological Treatment
T67 Activated sludge
T68 Aerobic lagoon
T69 Aerobic tank
T70 Anaerobic tank
T71 Composting
T72 Septic tank
T73 Spray Irrigation
T74 Thickening filter

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Table 2. Handling Codes for Treatment, Storage, and Disposal Methods
T75 Trickling filter
T76 Waste stabilization pond
T77 Other (specify)
T78 [Reserved]
T79 [Reserved]
Boilers and Industrial Furnaces
T80 Boiler
T81 Cement Kiln
T82 Lime Kiln
T83 Aggregate Kiln
T84 Phosphate Kiln
T85 Coke Oven
T86 Blast Furnace
T87 Smelting, Melting, or Refining Furnace
T88 Titanium Dioxide Chloride Process Oxidation Reactor
T89 Methane Reforming Furnace
T90 Pulping Liquor Recovery Furnace
T91 Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid
T92 Halogen Acid Furnaces

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Table 2. Handling Codes for Treatment, Storage, and Disposal Methods
T93 Other Industrial Furnaces Listed in LAC 33:V.109 (specify)
Other Treatment
T94 Containment Building (Treatment)
Disposal
D79 Underground Injection
D80 Landfill
D81 Land Treatment
D82 Ocean Disposal
D83 Surface Impoundment (to be closed as a landfill)
D99 Other Disposal (specify)
Miscellaneous (Chapter 32)
X01 Open Burning/Open Detonation
X02 Mechanical Processing
X03 Thermal Unit
X04 Geologic Repository
X99 Other Chapter 32 (specify)

Response:

1529.B.4 The method of storage and treatment of all incoming waste will be documented in the operating record by handling code, as shown on Table 2 above, and date.

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REGULATION:

1529.B.5. The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest.

Response:

1529.B.5 Within the operating record, the location of each hazardous waste and the quantity of waste at each location will be documented. This information will include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest. No disposal occurs at the facility.

REGULATION:

1529.B.6. Records and results of waste analyses performed as specified in these regulations and in LAC 33:V.1517, 1519, 1711, 1741, 2237.A, 2245, 2515, and 3107.

Response:

1529.B.6. Waste analyses will not be performed for the wastes accepted, stored, and treated at the facility. Profiles of these wastes are generally available from the generator or other reputable sources. These profiles will be maintained onsite during the operational life of the facility. The portion of the operating report for waste will reference the appropriate profiles.

Waste analyses will be maintained in the operating record for ash shipped off site.

REGULATION:

1529.B.7. Summary reports and details of all incidents that require implementing the contingency plan.

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Response:

1529.B.7. In accordance with Section 1513.F.10 and LAC 33:V.1513, a report will be completed for each incident where the contingency plan is implemented. The information contained in the report will include:

- EPA identification number
- name, address, and telephone number of the owner or operator;
- name, address, and telephone number of the facility;
- date, time, and type of incident (i.e., fire or explosion);
- name and quantity of material(s) involved;
- the extent of injuries, if any;
- an assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- estimated quantity and disposition of recovered material that resulted from the incident.

The incident report will become a part of the operating record of the facility.

REGULATION:

1529.B.8. Records and results of inspections required by LAC 33:V.1509.D.

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Response:

1529.B.8. The information required in LAC 33:V.1509.D will be entered into the operating record. The inspection report will include:

- EPA identification number
- name, address, and telephone number of the owner or operator;
- name, address, and telephone number of the facility;
- date, time, and a description of the equipment inspected;
- the date of the previous inspection;
- the purpose(s) for the inspection;
- the findings of the inspection; and
- action taken at the time of the inspection or future actions to be taken to correct identified malfunctions or deteriorations, if any.

REGULATION:

1529.B.9. Monitoring, testing, or analytical data where required by LAC 33:V.1504, 1711.C–F, 1713, 1741, 1743, 1903, 1907, 1911, 2304, 2306, 2309, 2504, 2507, 2508, 2509, 2709, 2711, 2719, 2904, 2906, 2907, 3119, 3203, 3205, and Chapter 33, as well as corrective action cites.

Response:

1529.B.9. Monitoring, testing, or analytical data will be maintained as required.

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REGULATION:

1529.B.10. For offsite facilities, notices to generators that the TSD facility has the appropriate permits for and will accept the waste the generator is shipping.

Response:

1529.B.10. All generators delivering wastes to the facility will be notified that LESTT has obtained the proper permits to treat these wastes. The notice will also state that the waste will be accepted at the facility for storage and treatment. A copy of these notices will be entered into the operating record at the time they are issued.

REGULATION:

1529.B.11. All closure cost estimates and, for disposal facilities, all post-closure cost estimates.

Response:

1529.B.11. The estimated closure costs are tabulated in Section 3509 of this permit application. The activities required for each phase of closure and their estimated costs will be entered into the operating record of the facility. The activities and actual costs at the time of closure will also be entered. This information will be retained onsite until complete closure of the facility submitted to the administrative authority and local land authority upon closure of the facility.

REGULATION:

1529.B.12. Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal prohibition granted pursuant to LAC 33:V.2239, a petition pursuant to LAC 33:V.2241 or 2242, or a certification under LAC 33:V.2235 and the applicable notice required by a generator under LAC 33:V.2245.

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Response:

No land disposal occurs at the LESTT site; therefore, this section is not applicable.

REGULATION:

1529.B.13. For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247.

Response:

Copies of notices, certifications, or demonstrations required under LAC 33:V.2235, 2245, or 2247 will be maintained, as applicable.

REGULATION:

1529.B.14. For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247.

Response:

LESTT does not treat on-site wastes that it generates; therefore, this section is not applicable.

REGULATION:

1529.B.15. For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under LAC 33:V.2235, 2245, or 2247, whichever is applicable.

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Response:

LESTT is not a land disposal facility; therefore, this section does not apply.

REGULATION:

1529.B.16. For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under LAC 33:V.2245 or 2247, except for the manifest number, and the certification and demonstration, if applicable, required under LAC 33:V.2235, whichever is applicable.

Response:

LESTT is not a land disposal facility; therefore, this section does not apply.

REGULATION:

1529.B.17. For an off-site storage facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247; and

Response:

Copies of notices, certifications, or demonstrations required under LAC 33:V.2235, 2245, or 2247 will be maintained, as applicable.

REGULATION:

1529.B.18. For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247.

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Response:

Copies of notices, certifications, or demonstrations required under LAC 33:V.2235, 2245, or 2247 will be maintained, as applicable.

REGULATION:

1529.B.19. A certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the permittee to be economically practicable; and the proposed method of treatment, storage or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment.

Response:

LESTT will submit an annual certification that it has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined to be economically practicable; and the proposed method of treatment, storage or disposal is that practicable method currently available which minimizes the present and future threat to human health and the environment.

REGULATION:

1529.C. Availability, Retention, and Disposition of Records

1529.C.1 All records, including plans required under this Part must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representatives who are duly designated by the administrative authority.

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Response:

1529.C.1 All records, including plans required under this Part will be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representatives who are duly designated by the administrative authority.

REGULATION:

1529.C.2 The retention period for all records required under this Section is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the administrative authority.

Response:

1529.C.2 LESTT will retain all applicable records or plans beyond the normal retention period should an issue or action be unresolved during the course of operation and closure of the facility or if he is requested to do so by the administrative authority. The normal retention periods shall be reinstated upon resolution of the issue or enforcement action in question or when the administrative authority has released the records.

REGULATION:

1529.C.3 A copy of records of waste disposal locations and quantities must be submitted to the administrative authority and local land authority upon closure of the facility.

Response:

No waste will be disposed at this facility; therefore, this section is not applicable.

REGULATION:

1529.D. Annual Report. The owner or operator must prepare and submit a single copy of an annual report to the administrative authority by March 1 of each year. The report form must be used for this report. The annual report must cover facility

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activities during the previous calendar year. Information submitted on a more frequent basis may be included by reference or in synopsis form where it is not pertinent to reporting under LAC 33:V.Chapter 9 or monitoring reporting under LAC 33:V.3317. It must include the following information:

Response:

1529.D. By March 1 of each year, LESTT will submit one copy of an annual report to the administrative authority documenting the activities at the facility for the previous calendar year. A copy of the report will also be maintained at the facility office.

The activities summarized in the annual report will include waste sources; waste type and quantity accepted, stored, and treated at the facility; and revised closure costs.

Information that the applicant may submit more frequently than annually includes manifest records in accordance with LAC 33:V.913.

REGULATION:

1529.D.1 the EPA identification number, name, and address of the facility;

Response:

1529.D.1 The annual report will include the EPA identification number, name, and address of the facility.

REGULATION:

1529.D.2 the calendar year covered by the report;

Response:

1529.D.2 The annual report will include the calendar year covered by the report.

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REGULATION:

1529.D.3. for off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;

Response:

1529.D.3 The EPA identification number of each generator of waste accepted at the facility will be included in the annual report. In the event that waste is accepted from a foreign generator, their names and addresses will be included in the annual report.

REGULATION:

1529.D.4. a description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;

Response:

1529.D.4. The annual report will include a description and the quantity of wastes received at the facility during the previous calendar year. The wastes will be listed by the EPA identification number of the generator.

REGULATION:

1529.D.5. the method of treatment, storage, or disposal for each hazardous waste;

Response:

1529.D.5. The annual report will include the method of treatment, storage, or disposal for each hazardous waste;

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REGULATION:

1529.D.6. the most recent closure cost estimate under LAC 33:V.3705, and, for disposal facilities, the most recent post-closure cost estimate under LAC 33:V.3709;

Response:

1529.D.6. The annual report will include the most recent closure cost estimate under LAC 33:V.3705.

REGULATION:

1529.D.7. the certification signed by the owner or operator of the facility or his authorized representative; and

Response:

1529.D.7. The annual report will include the certification signed by the owner or operator of the facility or his authorized representative.

REGULATION:

1529.D.8. monitoring data where required.

Response:

1529.D.8. The annual report will include monitoring data where required.

REGULATION:

1529.D.9. for generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

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Response:

The annual report will include a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

REGULATION:

1529.D.10. for generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.

Response:

The annual report will include a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years.

REGULATION:

1529.E. Additional Reports. In addition to submitting the annual reports and unmanifested waste reports described in LAC 33:V.1529.D and 909, the owner or operator must also report to the administrative authority:

1529.E.1. releases, fires, and explosions as specified in LAC 33:V.1513.F.10;

Response:

1529.E.1. The annual report will include information describing releases, fires, and explosions as specified in LAC 33:V.1513.F.10.

REGULATION:

1529.E.2. facility closures as specified in LAC 33:V.Chapter 35; and

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Response:

1529.E.2. The annual report will include documentation of facility closures as specified in LAC 33:V.Chapter 35.

REGULATION:

1529.E.3. as otherwise required by LAC 33:V.Chapters 17, 23, 25, 27, 29, and 33.

Response:

1529.E.3. The annual report will include information as otherwise required by LAC 33:V.Chapters 17, 23, 25, 27, 29, and 33.

1531. TRANSFER OF OWNERSHIP

REGULATION:

1531.A. Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of LAC 33:V.Subpart 1.

Response:

1531.A. Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, LESTT will notify the new owner or operator in writing of the requirements of LAC 33:V.Subpart 1.

REGULATION:

1531.B. An owner's or operator's failure to notify the new owner or operator of the requirements in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

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Response:

1531.B. LESTT acknowledges that the new owner or operator must comply with the requirements of the permit and all current revisions to the permit for the facility regardless of whether or not the written information required in Section 1531.A, above is provided.

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CONTAINERS

2101. APPLICABILITY

REGULATION:

2101. Applicability

The regulations in this Chapter apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as specified in LAC 33:V.105.D, or if the container is empty (see LAC 33:V.109).

2101.A. Containers not exempted from these regulations shall be considered hazardous and shall be disposed of or treated by an acceptable waste disposal or treatment method.

Response:

2101.A. Containers received by the LESTT facility that are not exempted from the hazardous waste regulations consist of casings or other devices that cannot safely be emptied using the practices (i.e., normal detonation) commonly employed to remove materials from that type of container. During the thermal treatment process, these containers and their contents are placed in the burner assemblies, ignited, and allowed to burn.

If the material within the container was a listed hazardous waste, the residue (including the container) remains a listed waste in accordance with the "derived from" rule. Residue from burning containers that held characteristic waste are commingled. Composite samples from this waste are analyzed in accordance with the WAP to determine disposal options. These wastes are then managed in accordance with the determination made following review of analytical data.

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REGULATION:

2101.B. If a hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is empty as defined in LAC 33:V.109. In that event, management of the container is exempt from the requirements of this Chapter.

Response:

2101.B. In the event an empty container meets the definition specified in LAC 33:V.109, management of that container will be exempt from hazardous waste regulations.

REGULATION:

2101.C. Empty containers sent to a reclaimer are considered product, and thus are not subject to these rules and regulations. Residue from the reclaimer's operations must be disposed of in a permitted facility.

Response:

2101.C. Empty containers sent to a reclaimer are considered product, and thus are not subject to these rules and regulations. Residue from the reclaimer's operations will be disposed of in a permitted facility.

2101.D. The storage of hazardous waste prohibited from land disposal must also be in accordance with the requirements of LAC 33:V.2205.

Response:

Hazardous waste stored at the site that is prohibited from land disposal will be stored in accordance with the requirements of LAC 33:V.2205.

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2103. CONDITION OF THE CONTAINERS

REGULATION:

2103. Condition of Containers

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this Chapter.

Response:

2103. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, LESTT will transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this Chapter.

2105. COMPATIBILITY OF WASTE WITH CONTAINERS

REGULATION:

2105. The owner or operator must use a container made of or lined with materials which will not react with, or be incompatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

Response:

2105. The wastes are stored at the facility in DOT approved containers. These DOT approved containers are designed to be compatible with the reactive compound contained within. The containers containing the wastes are constructed of inert materials that do not react with the reactive waste.

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2107. MANAGEMENT OF CONTAINERS

REGULATION:

2107.A. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

Response:

2107.A. A container holding hazardous waste will always be closed during storage, except when it is necessary to add or remove waste.

REGULATION:

2107.B. A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

Response:

2107.B. A container holding hazardous waste will not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

2109. INSPECTIONS

REGULATION:

2109.A. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system. Remedial action as described in LAC 33:V.1513 shall be taken.

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Response:

2109.A. At least weekly, LESTT will inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system. Remedial action as described in LAC 33:V.1513 shall be taken.

REGULATION:

2109.B. All containers must be stacked in such a fashion that each container identification label can be read from the access aisle.

Response:

2109.B. In the storage magazines, the containers are stacked in such a fashion that each container identification label can be read from the access aisle.

REGULATION:

2109.C. All inspection records must be maintained according to the record keeping requirements of LAC 33:V.1529.

Response:

2109.C. Inspection records will be maintained according to the record keeping requirements of LAC 33:V.1529.

2111. CONTAINMENT

REGULATION:

2111.A. Container storage areas must have a containment system that is designed and operated in accordance with LAC 33:V.2111.B except as otherwise provided by LAC 33:V.2111.C.

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Response:

2111.A. Containers are stored in fully enclosed storage magazines that are constructed to the standards established for a magazine by the Bureau of Alcohol, Tobacco, and Firearms.

REGULATION:

2111.B. A containment system must be designed and operated as follows:

2111.B.1. a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

Response:

2111.B.1. The design of the storage magazines is shown on Figures 8 and 9. The floor of each magazine consists of plywood overlying steel. The floor rests on steel channels which in turn rest upon a solid concrete slab that is free of gaps or cracks and that is adequately impervious.

The floor of the preparation building and ash storage area; the covered concrete burner pads; and the covered truck staging/parking consists of a solid concrete base that is free of gaps or cracks and that is adequately impervious.

REGULATION:

2111.B.2. the base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

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Response:

2111.B.2. The storage magazines are provided with interior wall vents that prevent the accumulation of moisture. Storage magazines 8, 9, and 10 are used to store liquid waste, and are constructed of steel with continuously welded joints to provide containment should leakage occur.

The floor slabs of the concrete burner pads; the truck staging/parking areas; and the preparation building and ash storage area are gently sloped to drain liquids to a central location for removal.

The containers that are used to temporarily store residual ash for shipment are elevated above the floor surface. Any liquids that could accumulate in this area would not come into contact with the ash stored in the roll-off containers.

REGULATION:

2111.B.3. the containment system must have sufficient capacity to contain ten percent of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;

Response:

2111.B.3. The basic design details of the storage magazines are shown on Figures 8 and 9. The storage magazines are approximately 10 feet by 20 feet in area and 8 feet high. The floors, walls, roof, and doors are constructed of high tensile steel covered with two layers of hardwood plywood. The magazines contain vents on the interior to prevent the build-up of extreme heat and pressure or accumulation of moisture. The vent openings are screened. The magazines are grounded against lightning strikes. Magazines Nos. 8, 9 and 10 have 12-inch high thresholds and vertical extensions for floor vents to contain possible spills. The height of the thresholds and floor vent extensions are based on a design spill of 10% of the maximum stored waste volume as required.

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The covered staging area at the entrance of Magazine Nos. 8, 9, and 10 measures 107 feet long by 16 feet wide in plan. The maximum truckload unloading in this area has been determined to be 80 - 55 gallon drums of liquid wastes. The 16-inch high concrete walls are designed to contain 10% of the volume of a maximum truckload of drums and moderate amounts of wind blown rainwater with 3-inches of freeboard remaining. Design details of the staging area are shown on Figure 6. Containment calculations for this area are included in Appendix 10 of this permit application.

The covered truck staging/parking area measures 107 feet long by 64 feet wide in plan. Four truck parking spaces are provided with individual containment for the separation of incompatible wastes in the event of a leak. The containment wall is constructed of concrete with a total height of 16-inches. Each of the four parking areas contains a sump for rainwater collection. The 16-inch concrete walls are designed to contain 10% of a maximum truckload of drums and moderate amounts of wind blown rainwater with approximately 3-inches of freeboard. Containment calculations are for this area are included in Appendix 10 of this permit application.

REGULATION:

2111.B.4. run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in LAC 33:V.2111.B.3 to contain any run-on which might enter the system;

Response:

2111.B.4. Runon is prevented by grading the ground surface so that surface runoff is directed away from the magazines; the preparation building and ash storage area; the concrete burner pads; and staging/parking areas.

REGULATION:

2111.B.5. spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system; and

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Response:

2111.B.5. Collection of spills, discussed in Sections 517.J.2 and 1505.C, is part of the housekeeping requirements for storage magazines. Inspection for, and collection of, any possible leaked or spilled material will be part of the semi-weekly inspection as detailed in Section 1509. Containment areas will be inspected weekly for leaks, spills, and rainwater collection as detailed in Section 1509.

REGULATION:

2111.B.6. If the collected material is a hazardous waste, it must be managed as a hazardous waste in accordance with all applicable requirements.

Response:

2111.B.6. If the collected material is a hazardous waste, it will be managed as a hazardous waste in accordance with all applicable requirements.

REGULATION:

2111.C. Storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by LAC 33:V.2111.B, except as provided by LAC 33:V.2111.D or provided that:

2111.C.1. the storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

2111.C.2. the containers are elevated or are otherwise protected from contact with accumulated liquid.

2112.D. Storage areas that store containers holding the wastes listed below must have a containment system defined by LAC 33:V.2111.B even when these wastes do not contain free liquids: F020, F021, F022, F023, F026, and F027.

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Response:

2112.D. Storage areas that store containers that do not hold free liquids do not have a containment system defined by LAC 33:V.2111.B; no wastes listed in LAC 33:V.2112.D are stored.

2113. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES

REGULATION:

2113. Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility property line. (See LAC 33:V.1517 for additional requirements or LAC 33:V.4321 for additional requirements for Interim status facilities.)

Response:

2113. The storage units, the preparation building and ash storage area, and treatment units for handling the wastes are located no closer than 660 feet to the property lines of the facility. This distance exceeds the 50-foot requirement of LAC 33:V.2113 and satisfies the requirements of LAC 33:V.1517. The buffer zone limits, the locations of the storage magazines, preparation building, and treatment units are shown on Figure 3.

2115. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES

REGULATION:

2115.A. Incompatible wastes, or incompatible wastes and materials, must not be placed in the same container unless LAC 33:V.1517 or 4321 for Interim status facilities is complied with.

Response:

2115.A. Incompatible wastes are shipped to the facility in separate containers as required by the Department of Transportation. As part of the procedures for handling

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incoming wastes, the waste activity records are checked to determine which storage magazine should receive the newly accepted wastes. Incompatible wastes are stored in separate storage magazines and are treated separately.

REGULATION:

2115.B. Hazardous wastes must not be placed in an unwashed container that previously held an incompatible waste or material.

Response:

2115.B. The wastes remain in DOT approved shipping containers from the time they are accepted at the facility until they are treated. The waste containers are not opened until they are prepared and treated. In the unlikely event that some of the wastes may require transferring to another container, they will only be placed in cleaned containers that do not contain wastes to prevent potential mixing of incompatible wastes.

REGULATION:

2115.C. A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, other device, or approved management technique.

Response:

2115.C. Incompatible wastes are identified as part of the procedures for monitoring incoming waste, as discussed in Sections 1517 and 1527. Incompatible wastes, such as detonators, will be stored in separate magazines to prevent accidental reaction with other wastes. Magazines storing incompatible wastes are separated by at least 210 feet. Magazines 8, 9, and 10 contain either wastes packed in non-hazardous liquids or liquid wastes. The waste activity reports will note the location of all wastes onsite to prevent accidental mixing of incompatible wastes. This information will become part of the operating records for the facility.

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REGULATION:

2115.D. The owner or operator must place the results of each waste analysis and trial test and any documented information regarding compatibility testing in the operating record of the facility.

Response:

2115.D. As discussed in the Waste Analysis Plan (Appendix 2) required by Section 1519 of this permit application, no sampling or testing of the incoming waste is conducted due to safety considerations. LESTT relies on existing chemical and physical waste analyses provided by the waste generators or by knowledgeable agencies. These analyses are used to determine the compatibility of the wastes onsite and will be referenced in the waste activity records as described in Section 1527. The waste activity reports will become a part of the operating record for the facility.

Documentation regarding waste compatibility will be retained in the operating record of the facility.

2117. CLOSURE

REGULATION:

2117. At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with LAC 33:V.109.Hazardous Waste.6 [sic] that the solid waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Chapters 9–43.

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Response:

2117. Closure activities and procedures are described in Chapter 35 of this permit application. These activities and procedures are identical to those performed as part of the standard operating routine of the facility, as described in Section 517.T.7. After the final load of waste is removed from the storage units, prepared at the preparation building, and treated in the open burners, the operating units will be visually examined to check for untreated wastes. Such wastes will be collected and thermally treated. Residues that may be generated during the final thermal treatment will be collected, containerized, and shipped offsite for disposal at a permitted facility. The containers cleaned by burning during treatment will be collected for disposal at a permitted facility. The storage units, collection equipment, the preparation building and ash storage area, and the truck staging/parking areas will be decontaminated according to the closure plan. The concrete burners will be cleaned by water washing. After decontamination and cleaning, LESTT may leave these structures and equipment onsite or may remove them at its discretion.



Chapter 32

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental

Quality – Hazardous Waste

Chapter 32. Miscellaneous Units

REGULATION:

3201. APPLICABILITY

The requirements in this Chapter apply to owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units, except as LAC 33:V.1501 provides otherwise.

Response:

3201. Because LESTT treats hazardous waste in a miscellaneous unit, this section is applicable.

REGULATION:

3203. ENVIRONMENTAL PERFORMANCE STANDARDS

A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, and may include design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions shall include those requirements of LAC 33:V.Chapters 19, 21, 23, 25, 27, 29, 31, and all other applicable requirements of LAC 33:V.Subpart 1, and of 40 CFR 146, 1988, pp. 674-694, which are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to:

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Response:

3203. General details of the location, design, construction, operation, maintenance, and eventual closure of the miscellaneous units are presented below to demonstrate that human health and the environment will be protected. Specific responses will follow after citing each portion of the regulation.

Laidlaw Environmental Services (Thermal Treatment), Inc. (LESTT) is located approximately 1/2 mile north of Highway 71 on Highway 471 in Grant Parish, Louisiana. A USGS map showing the facility location is provided in Figure 5 . The facility is currently engaged in the storage and open burning of reactive waste under a permit issued by the Louisiana Department of Environmental Quality and the Environmental Protection Agency. The miscellaneous units at the facility consist of open burn units for thermal treatment of reactive waste. There are no disposal units at the facility.

The thermal treatment area is constructed on a 700' by 130' reinforced concrete slab (6" thick). The thermal treatment units consist of twenty (20) concrete curbed treatment pads atop the slab, each equipped with an interchangeable burner assembly. The burner assemblies consists either of an open steel pan or a steel-lined concrete burn chamber. The open steel pans are constructed of 3/16-inch (minimum) steel with approximately eight-inch high sidewalls. The concrete burn chambers are constructed of 48-inch (inside diameter) reinforced concrete pipe. They are four feet in height, and equipped with a steel mesh cover. Each of the treatment units is equipped with a retractable roof structure to prevent rainfall accumulation.

Security, communications, onsite emergency equipment, and procedures are described in Section 1513 of the Part B permit application.

Wastes are transferred from the storage area to the preparation building located adjacent to the treatment units using a utility vehicle and trailer. The wastes are loaded and unloaded from the trailer by appropriate means considering the type of material being unloaded.

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The waste is opened and prepared to facilitate combustion and placed in a compatible container. The wastes are placed in the burners and soaked with diesel fuel. Diesel fuel is a low-volatile, slow burning fuel that helps control the combustion process.

Each batch of waste requires approximately 7 to 8 minutes to burn. The maximum temperature obtained during the treatment process is achieved at a temperature of approximately 2,400 degrees Fahrenheit in a non-controlled air feed environment such as open trough burning. After approximately 40 minutes, the cooled treatment residues are visually inspected to ensure they do not contain untreated waste. Subsequently, they are removed from the burners, and placed in appropriate containers until they are shipped offsite for disposal at a proper facility. The residues will be separated according to whether or not the waste was treated in burners designated for characteristic waste or burners designated for listed waste.

The inspection schedule for the treatment units as well as the support facilities is presented in Appendix 3. The schedule is designed to permit a timely response to prevent or minimize potential malfunctions that could result from such factors as deterioration with age or improper operation. The goal in preparing the inspection schedule is to ensure that all operating and emergency equipment, structures, and systems are functioning and can be relied on, particularly in an emergency situation.

The schedules contain the frequency of inspection or maintenance activity, the item of equipment and the component of that equipment item that needs to be examined in addition to a general inspection. The inspection and maintenance schedules, results, and repair records will become part of the operating record.

Potential hazardous material release would be associated with spilling untreated wastes outside containment areas or treatment process areas. Spills in these areas would most likely occur during handling by facility personnel. Such spills are addressed by 1) visual inspections of these areas each time they are used and 2) collecting all observed spilled wastes for immediate thermal treatment.

The threat to human health and the environment would be associated with the occurrence of an unplanned or uncontrolled fire or explosion at the facility. Such hazards are unlikely but could possibly occur from improper handling or storage of the wastes,

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improper use of onsite equipment, or equipment malfunction. The inspection and maintenance schedules are designed to minimize this potential by visually examining the treatment units; storage magazines; the containers of waste; onsite transfer equipment; tools used to prepare the wastes for treatment; emergency response equipment; communications; and other operating equipment. The frequency of the inspections and maintenance requirements are based on manufacturer's recommendations when available. All maintenance and repairs will be completed prior to any future processing of waste on impaired equipment to ensure proper functioning of equipment and systems at all times.

REGULATION:

3203.A. Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the groundwater or subsurface environment, considering:

3203.A.1. the volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;

Response:

3203.A.1. The wastes to be handled at the LESTT facility are those wastes exhibiting the characteristic of reactivity (D003), except for those wastes listed as reactive by reason of cyanide or sulfide content. In addition, the reactive wastes treated may also carry codes D001, D004, D005, D006, D007, D008, D010, D011, K044, K045, K046, P009, P048, P065, P081, P105, P112, U069, U088, U096, U105, U108, U115, U117, U133, U160, and U234.

The facility's through put capacity is based on the air permit issued by LDEQ.

The storage capacity of the treatment facility is approximately 50,000 pound net explosive weight in the magazines. In addition, wastes on site could be in burners waiting to be ignited, on trucks waiting to be unloaded, or undergoing preparation for burning.

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The maximum net explosive weight of wastes on site considering storage and these handling steps is 55,950 pounds.

The physical and chemical characteristics of the wastes treated in the units during the trial burns are described in section 2.0 of the document entitled "Final Source Characterization Plan for the R&D Thermal Treatment System" prepared by ENSR, September 1990 (Attachment 1). This provides a representative description of the wastes that will be treated in the units.

In regard to analysis of reactive waste, the Institute of Makers of Explosives made the following observation in their response to EPA comments (December 1988) on the RCRA Guidance Manual For Permitting Commercial Explosives Industry Open Burning/Open Detonation Facilities.

"A critical aspect of this guidance manual and in general regarding disposal of explosive waste in the explosives industry is the issue of safety. IME has generally made the conservative assumption that waste containing elements of explosive nature presents the risk of an explosion. IME is not aware of a test method, nor has EPA promulgated a test method, that determines reactivity and that allows for a completely accurate determination of whether waste containing constituents of an explosive nature presents the risk of explosion upon disposal. It is such a risk that mandates the use of OB/OD since disposal through other means presents the risk of an explosion with a related threat to worker safety. The industry has always made worker protection the highest priority and would be very uncomfortable in departing from that position now."

The LESTT facility will gather sufficient information on incoming waste streams to allow proper storage and treatment without compromising worker safety. Chemical and physical analyses of each type of waste are generally provided by the generator. These analyses or analyses obtained from other reputable sources, such as the Department of Defense, will be referenced in the incoming waste records for each type of waste accepted at the facility. This information will become part of the operating record for the facility.

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The waste analysis plan incorporates the following procedures:

- Each load of waste delivered to the facility will be visually inspected to verify the type and quantities of reactives listed on the shipping manifest.
- Profiles will be checked to verify the items received are accurately identified.
- Wastes that are not reactive, or cannot be correlated to a profile, will be rejected. Protocols described in the response to LAC 33:V.919 will be followed whenever this occurs.

The estimated emission rates of gases and particulates from treatment in the units are given in Appendix 17. Attachment 2 provides a description of how the pollutant emission rates were estimated through a combination of ambient air monitoring and dispersion modeling. The air permit application contains calculations for estimating emissions of NO_x, CO and HCl.

Emission rates were below levels which would pose a potential hazard to human health via the atmospheric dispersion. Based upon this result the treatment units will not have a human health impact via groundwater or subsurface soil. However, hydrogeological features of the site were assessed through the groundwater assessment included in Appendix 8.

The construction of the burner assemblies as previously described provides the necessary safeguards to minimize the entrance of rainwater and preclude surface run-on. Minimizing the entrance of rainwater, precluding run-on into the treatment process, and controlling runoff from the treatment area will insure that waste constituents are not transported to the ground water or subsurface environment. Furthermore, under the controlled burning methods used at the facility and based on the findings of the "Final Technical Support Document for the R&D Thermal Treatment System" dated April 1991 (Attachment 2), minimal potential for migration of treated residues as air particulates will minimize the potential for impacting the ground water.

Certain burner assemblies are designated for the treatment of listed hazardous waste only. Ash remaining after treating listed waste is removed from the burner assembly and taken to a designated container for storage. These residues are shipped to a permitted hazardous waste disposal facility according to the original classification of the waste prior to thermal treatment. Residues generated from the thermal treatment of characteristic hazardous waste are stored in a separate container. These residues are subsequently analyzed to determine whether they exhibit a characteristic of a hazardous waste in accordance with the Waste Analysis Plan, and managed accordingly.

REGULATION:

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REGULATION:

3203.A.2. the hydrologic and geologic characteristics of the unit and the surrounding area;

Response:

3203.A.2. A groundwater assessment was conducted as a requirement of the initial permit. That assessment has been completed and is included in Appendix 8.

Considering the control measures for the treatment units and the fact that positive drainage is provided around the entire unit, negligible impact to the ground water and subsurface environment is expected. Further groundwater monitoring has not been required.

REGULATION:

3203.A.3. the existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater;

Response:

3203.A.3. Water from wells within two (2) miles of the facility show the groundwater in the area to have a high iron content (see response to 3203.A.5 below) Quality data for these wells, when available, is in Attachment 6. A groundwater assessment was conducted as a requirement of the initial permit. That assessment has been completed and is included as Appendix 8.

REGULATION:

3203.A.4. the quantity and direction of groundwater flow;

Response:

3203.A.4. This information is presented in the groundwater assessment (Appendix 8).

REGULATION:

3203.A.5. the proximity to and withdrawal rates of current and potential groundwater users;

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Response:

3203.A.5. Water wells within a two mile radius are listed in Table 3. Well locations are shown on Figure 5. (Land Use Map).

REGULATION:

3203.A.6. the patterns of land use in the region;

Response:

3203.A.6. An aerial photograph of the facility and adjacent land is presented as Figure 2. The facility is located on the aerial photographs for reference. The properties adjacent to the facility are undeveloped and well-vegetated with trees and brush. The nearest residence is located more than 900 feet beyond the operating area boundaries. The nearest schools, hospitals, libraries, recreational, or public lands are located at least three miles from the operating area. The nearest major roadway is Highway 471, which is located along the north portion of the west site boundary. Figure 5 provides a representation of the facility boundary and the land use patterns within a two mile radius of the facility boundary.

REGULATION:

3203.A.7. the potential for deposition or migration of waste constituents into subsurface physical structures, and into the root zone of food-chain crops and other vegetation;

Response:

3203.A.7. As discussed in the response to 3203.A.1 above, the burners are constructed in such a manner as to preclude the migration of waste constituents due to unlikely contact with rainfall and storm water run-on. Furthermore, as required under the Clean Water Act, a storm water pollution prevention plan has been developed and implemented for the facility. This plan will be routinely updated for the facility to describe specific actions taken at the facility to minimize the potential for off-site migration of waste constituents. During operation of the units, monitoring of the storm water will be conducted in accordance with the NPDES permit requirement.

Furthermore, based on the "Final Technical Support Document for the R&D Thermal Treatment System" dated April 1991 (Attachment 2), minimal migration of waste constituents, as air particulates, will occur from the burners that will have any potential for impacting the ground water. Soil monitoring, conducted in accordance with the plan in Attachment 5, continues to be done annually.

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REGULATION:

3203.A.8. the potential for health risks caused by human exposure to waste constituents; and

Response:

3203.A.8. LESTT has completed a risk assessment as part of the "Final Technical Support Document for the R&D Thermal Treatment System" dated April 1991 (Attachment 2). No unacceptable risks were identified.

REGULATION:

3203.A.9. the potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

Response:

3203.A.9. LESTT has installed a six-foot high wire fence along the facility boundaries. The six-foot high fence is equipped with a six-foot high metal gate that is locked when the facility is closed. The properties adjacent to the facility boundaries are undeveloped, heavily vegetated, and have limited access. The facility is manned 24 hours per day by a guard or administrative or operations personnel.

A six-foot high fence separates the operations area and office area . The six-foot high fence is equipped with a six-foot high gate that is locked when treatment operations are in progress or when the facility is closed.

The storage magazines, preparation building and burners are enclosed by a six-foot high chain-link perimeter fence with barbed wire on top. The storage magazines are locked in accordance with the standards established by the Bureau of Alcohol, Tobacco, and Firearms for storage magazines. A 100-foot wide clear zone is located between the burn units and the enclosure fences.

Access by birds and other wildlife is not a critical concern of this facility because wastes are securely enclosed and stored in the magazines until treatment. The magazines are locked and located within a six-foot high fence enclosure.

The security procedures, equipment, and signs are described in Section 1507 of the permit application. The entrance gate to the facility and the gate into the operating area are provided with adequate lighting which is activated by photo-electric sensors. All gates are locked when the facility is closed, when facility personnel are not present in a given area, or when preparation or treatment activities are in progress.

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Clear zones are provided around the storage magazines and the treatment areas for security and to provide access for emergency personnel and equipment, in the unlikely event they are necessary.

REGULATION:

3203.B. Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water or wetlands or on the soil surface, considering:

3203.B.1. the volume and physical and chemical characteristics of the waste in the unit;

Response:

3203.B.1. The response to Section 3203.A.1 provides documentation to adequately respond to this requirement.

REGULATION:

3203.B.2. the effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;

Response:

3203.B.2. The thermal treatment area is constructed on a 700' by 130' reinforced concrete slab (6" thick). The thermal treatment units consist of twenty (20) concrete curbed treatment pads atop the slab, each equipped with an interchangeable burner assembly. The burner assemblies consists either of an open steel pan or a steel-lined concrete burn chamber. The open steel pans are constructed of 3/16-inch (minimum) steel with eight-inch high sidewalls. The concrete burn chambers are constructed of 48-inch (inside diameter) reinforced concrete pipe. They are four feet high and equipped with a 14-gauge steel cover plate. Each of the treatment units is equipped with a retractable roof structure to prevent rainfall accumulation.

The construction of the open burners and burner troughs as presented above provides the necessary safeguards to minimize the entrance of rainwater and prevent surface run-on. Minimizing the entrance of rainwater and preventing run-on into the treatment process will insure that waste constituents are not transported to the surface water or the soil surface. Furthermore, under the controlled burning methods used at the facility and based on the findings of the "Final Technical Support Document for the R&D Thermal Treatment System" dated April 1991 (Attachment 2), negligible migration of waste

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constituents will occur from the burners that will have a potential for impacting surface water or surface soils.

LESTT has applied for and obtained coverage under the NPDES baseline general stormwater permit. During operation of the units, routine monitoring of the storm water is conducted which will indicate any unlikely migration of wastes that occurs.

REGULATION:

3203.B.3. the hydrologic characteristics of the unit and the surrounding area, including the topography of the land around the unit;

Response:

3203.B.3. A topographic map of the facility is shown on Figure 1. The map shows the facility boundaries, the adjacent property for a distance of at least 1,000 feet beyond the site boundaries and topographic contours at an interval of 10 feet. The map is drawn at a scale of 1-inch equals 200 feet.

REGULATION:

3203.B.4. the patterns of precipitation in the region;

Response:

3203.B.4. Appendix 9 provides documentation received from the Louisiana Office of State Climatology, which describes various climatic variables for the Alexandria-Colfax area. Data provided in the attachment include: the average monthly precipitation for Alexandria over the 30 year period 1961 through 1990.

REGULATION:

3203.B.5. the quantity, quality, and direction of groundwater flow;

Response:

3203.B.5. This information is presented in Appendix 8.

REGULATION:

3203.B.6. the proximity of the unit to surface waters;

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Response:

3203.B.6. A drainage channel and French drain has been constructed along the southwestern perimeter of the operations area to intercept run-on (see Figure 1).

There are no wetlands in the operating area. There is a pond located near the facility office which is not affected by the normal operations conducted at the facility due to the drainage patterns onsite.

The 100-Year Floodplain limits for the geographic area containing the treatment facility and the facility location are indicated on the copy of the FEMA map that is included in Appendix 14. The FEMA map that includes the site is Community No. 220076, Panel 0115C, Flood Insurance Rate Map, dated November 16, 1995. As indicated on the FEMA map, the facility is outside of the 100-Year Floodplain limits.

Surface runoff leaves the facility via natural drainage swales as indicated by the ground surface contours shown on the topographic map. The nearest permanently flowing stream is located over 1,000 feet from the facility boundaries. The operations of the facility do not significantly alter the natural drainage pattern and flow of surface water across the site.

REGULATION:

3203.B.7. the current and potential uses of nearby surface waters and any water quality standards established for those surface waters;

Response:

3203.B.7 The nearest permanently flowing stream is located over 1,000 feet from the facility boundaries.

Surface drainage from the site enters stream segment 101301 - Rigolette Bayou. Water quality criteria for this stream segment, according to LAC 33:IX.1123, Table 3 are:

- chlorides - 25 mg/L
- sulfate - 25 mg/L
- dissolved oxygen - 5.0 mg/L
- pH - 6.0 to 8.5
- bacterial criteria - primary contact recreation

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- temperature - 32°C
- total dissolved solids - 100 mg/L

REGULATION:

3203.B.8. the existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;

Response:

3203.B.8. Appendix 8 provides a description of the soil types that are characteristic of the soils surrounding the facility. In addition, Appendix D of the "Final Technical Support Document for the R&D Thermal Treatment System" (Attachment 2) dated April 1991 provides analytical data from background soil samples collected for the soil sampling portion of the study.

REGULATION:

3203.B.9. the patterns of land use in the region;

Response:

3203.B.9. An aerial photograph of the facility and adjacent land is presented as Figure 2 . The facility boundary is recognizable due to clearing along the fence lines. The properties adjacent to the facility are undeveloped and well-vegetated with trees and brush. The nearest residence is located more than 900 feet beyond the operating area boundaries. The nearest schools, hospitals, libraries, recreational, or public lands are located at least three miles from the operating area. The nearest major roadway is Highway 471, which is located along the north portion of the west site boundary. Figure 5 provides a representation of the facility boundary and the land use patterns within a two mile radius of the facility boundary.

REGULATION:

3203.B.10. the potential for health risks caused by human exposure to waste constituents; and

Response:

3203.B.10. LESTT has completed a risk assessment for air exposure as part of the "Final Technical Support Document for the R&D Thermal Treatment System" dated

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April 1991 (Attachment 2). Air exposure was the only pathway determined to be of concern; the referenced study demonstrated that no unacceptable risks exist.

REGULATION:

3203.B.11. the potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

Response:

3203.B.11. LESTT has installed a six-foot high wire fence along the facility boundaries. The six-foot high fence is equipped with a six-foot high metal gate that is locked when the facility is closed. The properties adjacent to the boundaries of the facility are undeveloped, heavily vegetated, and have limited access. The facility is manned 24 hours per day by a guard or administration or operations personnel.

A six-foot high fence separates the operations area and office area. The six-foot high fence is equipped with a six-foot high rail gate that is locked when treatment operations are in progress or when the facility is closed.

The storage magazines, preparation building and burners are enclosed by a six-foot high chain-link perimeter fence with barbed wire on top. The storage magazines are locked in accordance with the standards established by the Bureau of Alcohol, Tobacco, and Firearms for storage magazines. A 100-foot wide clear zone is located between the burn units and the enclosure fences.

Access by birds and other wildlife is not a critical concern of this facility because wastes are securely stored in the magazines until treatment. The magazines are locked and located within a six-foot high fence enclosure.

The security procedures, equipment, and signs are described in Section 1507 of the permit application. The entrance gate to the facility and the gate into the operating area are provided with adequate lighting which is activated by photo-electric sensors. All gates are locked when the facility is closed, when facility personnel are not present in a given area, or when preparation or treatment activities are in progress.

Clear zones are provided around the storage magazines and the treatment areas for security and to provide access for emergency personnel and equipment, if necessary.

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REGULATION:

3203.C. Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering:

3203.C.1. the volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols, and particulates;

Response:

3203.C.1. The physical and chemical characteristics of the wastes treated in the units are discussed in the response to 3203.A.1. The volume of wastes treated is also discussed in the above referenced response.

The estimated emission rates of gases and particulates from treatment in the units are given in Appendix 17, the current air permit issued by LDEQ.

REGULATION:

3203.C.2. the effectiveness and reliability of systems and structures to reduce or prevent emissions of hazardous constituents to the air;

Response:

3203.C.2. The Air Quality Permit (Appendix 17) contains operating conditions that govern the amount of waste treated. These restrictions reduce emissions of hazardous constituents to the air.

Based on the risk assessment, the following performance standards have been developed:

- the design and operating requirements are specified in the air permit;
- air monitoring requirements are specified in the air permit; and
- emissions of hazardous constituents to the air will be in accordance with the air permit.

REGULATION:

3203.C.3. the operating characteristics of the unit;

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Response:

3203.C.3. Operating characteristics are provided in the air permit issued by LDEQ in Appendix 17.

REGULATION:

3203.C.4. the atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;

Response:

3203.C.4. The atmospheric and meteorologic characteristics of the unit and the surrounding area are provided in Appendix 9. Meteorological data were obtained from the Office of State Climatology. The topographic characteristics of the surrounding land are shown on Figure 1.

REGULATION:

3203.C.5. the existing quality of the air, including other sources of contamination and their cumulative impact on the air;

Response:

3203.C.5. Section 3.0 of Attachment 2 describes the ambient air monitoring results. For each trial run, the ambient air was monitored upwind and downwind of the units. The upwind results provide an analysis of the quality of the air in the area. No major sources of contamination have been identified in the vicinity.

REGULATION:

3203.C.6. the potential for health risks caused by human exposure to waste constituents; and

Response:

3203.C.6. An inhalation health risk assessment was performed by ENSR to evaluate the potential human health effects from the emissions from the facility. The results of this risk assessment are provided in section 4.0 of Attachment 2. The risk assessment was conducted in accordance with the "Final Risk Assessment Protocol for R&D Thermal Treatment Facility" dated April 1991 prepared by ENSR (Attachment 3). The results state, "based on this conservative risk assessment, the potential health hazards associated with the R&D [former name of LESTT facility] thermal treatment system are small" (page 4-14 of Attachment 2).

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REGULATION:

3203.C.7. the potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

Response:

3203.C.7. The air pathway was deemed to be the only potential significant migration pathway. Human exposure via the atmosphere was considered to be the critical risk associated with the treatment process and this exposure was evaluated through the approved risk assessment protocol. The concrete pad constructed around the entire "open burning" area, provides protection of surrounding soil, vegetation and surface waters from any air contaminants. Attachment 4 contains correspondence related to the risk assessment protocol.

3205. MONITORING, ANALYSIS, INSPECTION, RESPONSE, REPORTING, AND CORRECTIVE ACTION

REGULATION:

Monitoring, testing, analytical data, inspections, response, and reporting procedures and frequencies must ensure compliance with LAC 33:V.909, 1509, 1511.D, 1529.D-E, 3203, and 3322, as well as meet any additional requirements needed to protect human health and the environment as specified in the permit.

Response:

3205. The inspection procedures as well as the response to releases of hazardous waste or hazardous constituents are discussed in Chapter 15 (Sections 1509 and 1523) and Appendix 3 of this application.

3207. POST-CLOSURE CARE

REGULATION:

A miscellaneous unit that is a disposal unit must be maintained in a manner that complies with LAC 33:V.3203 during the post-closure care period. In addition, if a treatment or storage unit has contaminated soils or groundwater that cannot be completely removed or decontaminated during closure, then that unit must also meet the requirements of LAC 33:V.3203 during post-closure care. The post-closure plan under LAC 33:V.3523 must specify the procedures that will be used to satisfy this requirement.

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Response:

3207. A closure plan for clean closure is provided in the section addressing Chapter 35. Because clean closure is the goal, no post closure is anticipated.

Chapter 33
GROUNDWATER PROTECTION

REGULATION:

3301. APPLICABILITY

3301.A. Except as provided in LAC 33:V.3301.C, the regulations in this Chapter apply to owners or operators of facilities that treat, store or dispose of hazardous waste. The owner or operator must satisfy the requirements identified in LAC 33:V.3301.B for all wastes (or constituents thereof) contained in solid waste management units at the facility, regardless of the time at which waste was placed in such units.

Response:

3301.A. The Laidlaw Environmental Services Thermal Treatment (LESTT), Colfax facility does not treat, store, or dispose of hazardous waste in surface impoundments, waste piles, land treatment units, or landfills, therefore, Chapter 33 requirements do not apply. The environmental performance standard for groundwater and the subsurface environment is addressed under Section 3202 of this permit application. In order to demonstrate compliance with the performance standard, a groundwater assessment was implemented. The groundwater assessment concluded that there would be no adverse impact on groundwater quality at the downgradient receptor point from operations at the facility. Accordingly, LDEQ has not to date required groundwater monitoring. The remaining regulatory requirements under this chapter are therefore not included.

Chapter 35
CLOSURE AND POST-CLOSURE

3501. APPLICABILITY

REGULATION:

3501.A. Closure and post-closure procedures ensure protection of the public and ecology against leakage of hazardous wastes to the environment from closed facilities which formerly stored, treated, and/or disposed of such wastes.

3501.B. Except as LAC 33:V.105.D provides otherwise, LAC 33:V.3503-3517 (which concern closure) apply to all hazardous waste facilities in operation or under construction as of the effective date of LAC 33:V.Subpart 1 and to all hazardous waste facilities permitted under LAC 33:V.Subpart 1, as applicable.

Response:

3501.B. The closure plan for the LESTT facility conforms to the requirements of LAC 33:V.3503 through 3517, as applicable.

REGULATION:

3501.C. LAC 33:V.3519, 3521, 3523, 3525, and 3527 (post-closure care) apply to the owners and operators of:

- 1. all hazardous waste disposal facilities;**

Response:

3501.C.1. LESTT does not operate a disposal facility; therefore, this section does not apply.

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REGULATION:

3501.C.2. piles, surface impoundments, or any facility from which the owner or operator intends to remove waste at closure, to the extent that these sections are made applicable to such facilities in LAC 33:V.2315 and 2911;

Response:

3501.C.2. LESTT does not operate a pile, surface impoundment, or other facility requiring removal of waste at closure; therefore, this section does not apply.

REGULATION:

3501.C.3. tank systems that are required under LAC 33:V.1915 to meet the requirements for landfills; and

Response:

3501.C.3 LESTT does not operate a tank system required to meet the requirements for landfills; therefore, this section does not apply.

REGULATION:

3501.C.4. containment buildings that are required under LAC 33:V.1803 to meet the requirements for landfills.

Response:

3501.C.4. LESTT does not have any containment buildings required to meet the requirements for landfills; therefore, this section does not apply.

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3503. NOTIFICATION OF INTENTION TO CLOSE THE FACILITY

REGULATION:

3503.A. At least 180 days prior to closure, the operator must notify the administrative authority of intention to close and supply the following information:

Response:

3503.A. LESTT will notify the administrative authority of the intention to close the facility. The notification will be in writing and will be submitted at least 180 days prior to closure of the facility.

REGULATION:

3503.A.1. date of planned closure;

Response:

3503.A.1. The date of planned closure will be given to the administrative authority in the Notification of Intention to Close.

REGULATION:

3503.A.2. requested changes, if any, in the closure plan submitted with the permit application, which take advantage of new technology, unforeseen situations, and other requests which improve the safety of the closed facility;

Response:

3503.A.2. The notification will include requested changes, if any, in the closure plan submitted with the permit application, which take advantage of new technology, unforeseen situations, and other requests which improve the safety of the closed facility.

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REGULATION:

3503.A.3. closure schedule and estimated costs of each phase of the closure plan; and

Response:

3503.A.3. The notification will include a closure schedule and estimated costs of each phase of the closure plan.

REGULATION:

3503.A.4. request for release of closure funds in amounts and times as required by the closure schedules.

Response:

3503.A.4. LESTT will submit a request for release of closure funds in amounts and times as required by the closure schedules.

SUBCHAPTER A. CLOSURE REQUIREMENTS

3505. CLOSURE PROCEDURES

REGULATION:

3505.A. If closure methods are unchanged from the plan approved with the permit, the administrative authority will acknowledge receipt of the notification to close and prepare appropriate documents which will be executed upon completion and acceptance of each phase of the closure plan so that funds can be released.

3505.B. If the request is made to change the closure plan, the operator will submit revisions to the plan, supported by necessary scientific and engineering

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data to permit evaluation by the department, and the procedures established in permit process will be followed in evaluating and approving the requested changes.

Response:

3505.B. All revisions to the closure plan requested by LESTT will be accompanied by supporting scientific and engineering data to permit the administrative authority to evaluate the requested changes. The requested revisions will be prepared in accordance with the requirements of LAC 33:V.3503 through 3517, as applicable. LESTT will not implement any changes to the closure plan until written approval from the administrative authority has been received.

3507. CLOSURE PERFORMANCE STANDARDS

REGULATION:

3507. Pursuant to LAC 33:V.3509, the owner or operator must close his facility in a manner that:

3507.A. minimizes the need for further maintenance;and

3507.B. controls, minimizes, or eliminates, to the extent necessary to prevent threats to human health and the environment, post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the groundwater, surface waters, or to the atmosphere;

Response:

3507.A, 3507.B. The closure plan for the facility is designed to eliminate the need for further maintenance of the site and to prevent threats to human health and the environment after closure is completed. LESTT will treat all wastes onsite, remove treatment by-products from the site for appropriate disposal at other permitted facilities, and clean close all structures and equipment used to store, handle, or treat the waste materials. After clean closure, structures and equipment may be recycled or reused. Disposal will comply with the Land Disposal Restrictions contained in LAC 33:V.Chapter

Chapter 35

22. These activities will be completed in accordance with the closure plan detailed in this permit application and any approved revisions to the plan.

As part of the closure plan, surfaces within the limits of the treatment area will be visually examined for evidence of spilled wastes and of the treatment residues. Spilled waste will be removed and treated along with the remaining waste inventory. Spilled treatment residue, if any, will be collected, containerized, and removed to an appropriate offsite disposal facility permitted to receive such wastes. Surface water, groundwater and the atmosphere will not be affected after closure because all waste materials will be removed from the site.

Completing the activities contained in the closure plan would eliminate any potential post-closure threats to human health and the environment as a result of the operation and closure of the facility.

REGULATION:

3507.C. complies with closure requirements of this Chapter, including, but not limited to, the requirements of LAC 33:V.1803, 1911, 1915, 2117, 2315, 2521, 2719, 2911, 3121, and 3203-3207.

Response:

3507.C. The closure plan complies with the requirements of LAC 33:V.Chapter 35, as well as LAC 33:V.2117, and 3203-3207. As stated previously, all stored wastes will be treated onsite. Waste treatment by-product will be removed from site for disposal at a permitted waste disposal facility. If necessary for purposes of preparing a bulk shipment, any washwater or rinsate generated from the cleaning operation will be temporarily held in a tank. An alternate storage area will be the 1,500 gallon polyethylene washwater tank located adjacent to the preparation building (see Figure 1). All washwater will be bulked for shipment and disposed offsite. It will not be held within the decontaminated units pending analytical results.

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Structures and equipment used to store, treat, or handle the wastes, including the truck staging and ash container storage areas, will be cleaned. The level of clean-up proposed to meet the closure performance standard is discussed in Section 3511.B.4.

3509. CLOSURE FINANCIAL RESPONSIBILITY

REGULATION:

3509.A. The operator shall submit, with the permit application, a closure plan which provides the estimated cost of closure, and post-closure monitoring including long-term monitoring devices, and the number of years of estimated operation before closure, and which is designed to minimize the need for future maintenance and to ensure against leakage or escape of hazardous waste.

Response:

3509.A. The estimated costs associated with final closure of the facility are presented in Table 4 for 1992. The final costs for closure has been adjusted for inflation at a rate of 2.6% (1992), 2.5% (1993) , 2.1% (1994), 2.5% (1995), and 1.8% (1996) based upon US Department of Commerce data. These adjusted cost figures show that \$165,926 will be needed for closure. Post-closure monitoring will not be necessary at this site. The final closure plan presented in Section 3511 details how all wastes will be treated, waste treatment residues will be removed, and all waste management units at the site will be clean closed. There are no surface impoundments, waste piles, landfill disposal units, or land treatment units at this site.

Closure cost estimates are provided for the units. The closure cost estimates are based on the assumption that a full waste inventory will be stored and treated onsite and treatment residues will be disposed offsite.

Scrap metal determined to be non-hazardous may be recycled; however, salvage values were not used in the closure cost estimate. The estimated costs are based on quotes from vendors and unit prices from the Means Guide.

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At this time it is anticipated that an appropriate, approved and permitted landfill will be used to dispose of solid treatment residues for the purpose of this closure plan. Disposal will comply with the Land Disposal Restrictions contained in LAC 33:V.Chapter 22. The Chemical Waste Management landfill in Emelle, Alabama was used to develop the closure costs.

An appropriate, approved and permitted liquids treatment facility will be used to dispose of washwater and rinsates. For the purpose of developing this closure plan, the Laidlaw Environmental Services (TOC), Inc. Facility located in Roebuck, South Carolina was used to determine costs of disposal.

REGULATION:

3509.B. The operator shall create a "closure fund" under the requirements in LAC 33:V.Chapters 35 and 37.

Response:

3509.B. LESTT has submitted an insurance policy establishing funding for closure of the site. A copy of this insurance certificate is in Appendix 6. Should another approved mechanism for closure be chosen by the operator before closure is complete, a copy of such mechanism will be submitted to the administrative authority.

The operator will adjust the closure cost estimate to account for inflation, if necessary, and will revise the credit amount accordingly. The closure cost estimate will be revised no later than 30 days after approval of a requested change to the closure plan if received in writing from the administrative authority and if the requested modification increases the estimated closure costs.

A copy of the most current closure cost estimate, and when this estimate has been adjusted, the latest adjusted closure cost estimate, will be maintained onsite during the operating life of the facility.

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3511. CLOSURE PLAN

REGULATION:

3511.A. Written plan.

3511.A.1. The owner or operator of a hazardous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by LAC 33:V.2911.D and 2315.C to have contingent closure plans. The plan must be submitted with the permit application, in accordance with LAC 33:V.517.M and approved by the administrative authority as part of the permit issuance procedures under LAC 33:V.Chapters 3 and 7. In accordance with LAC 33:V.311, the approved closure plan will become a condition of any hazardous waste permit.

Response:

3511.A.1. This closure plan is a revision to the one originally submitted with the permit application and revised September 9, 1994 as required by LAC 33:V.517.M. It includes closure procedures for the storage and treatment units. LESTT understands that this closure plan will become a condition of the permit when it has been approved by the administrative authority. LESTT understands that approved revisions will become conditions of the permit.

Detailed closure procedures are presented in Section 3511.B. The following items are discussed below:

ITEM

- A brief history of the hazardous waste management unit.
- Physical description, dimensions, construction details.
- Unit location on a plot plan.
- Cross-sectional drawings of the unit.
- Plant site location, topography, surrounding land use.

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- Climate description, including precipitation.
- Geological soil profiles.
- Surface hydrology.

History

The facility initiated operations in June 1985 to assist the Louisiana State Police in treatment of explosives. The hazardous waste management storage units consisted of ATF approved storage magazines. The thermal treatment units were concrete pots or steel troughs located on top of concrete pads.

The facility was contacted by both military and non-military personnel regarding the potential treatment of reactive materials. Reactives and explosives were treated by the facility under a series of Emergency Permits issued by the LDEQ until the final RCRA permit became effective in May 1993.

Description of Units

The storage units consist of ten storage magazines that are designed in accordance with requirements established by the Bureau of Alcohol, Tobacco, and Firearms. The magazines are 10 feet by 20 feet in area and 8 feet high. The interior roof, doors, floors, and walls are lined with hardwood paneling. Vents are installed in the walls and roofs to permit proper ventilation and to prevent the build-up of extreme heat or pressure.

Liquid storage magazines 8, 9 and 10 are equipped with 12-inch high thresholds at the door openings. The floor vents in these magazines are equipped with 12-inch high extensions.

All magazines are grounded to prevent the occurrence of an accidental fire or explosion from a lightning strike. The doors of the magazines are double locked with 5 tumbler locks and steel hoods. Figures 8 and 9 shows typical cross sections of the magazines.

The thermal treatment area is constructed on a 700' by 130' reinforced concrete slab (6" thick). The thermal treatment units consist of twenty (20) concrete curbed treatment pads atop the slab, each equipped with an interchangeable burner assembly. The burner

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assemblies consist either of an open steel pan or a steel-lined concrete burn chamber. The open steel pans are constructed of 3/16-inch (minimum) steel with eight-inch high sidewalls. The concrete burn chambers are constructed of 48-inch (inside diameter) reinforced concrete pipe. They are four feet high and equipped with a 14-gauge steel cover plate. Each of the treatment units is equipped with a retractable roof structure to prevent rainfall accumulation.

The preparation building is 40 feet wide by 40 feet long in plan with a concrete apron at the entrance. The structure is enclosed on three sides with a roll-up door on the front. The polyethylene washwater tank is located on the perimeter of the main floor area for this unit. The preparation building is supplied with electric power to operate the drill press and band saw used for preparation activities. All electrical switches, motors, controls, and lights conform to the requirements of Class II, Division 2 of the National Electric Code. The building floor plan is shown on Figure 10.

A covered truck staging/parking area is provided for overnight parking within the fenced treatment area. The staging/parking area consists of 4 bays constructed of reinforced concrete. Each bay is self contained with raised curbs and sumps. Figure 6 shows the foundation plan and details for this unit.

The liquid storage magazines loading/unloading unit is a reinforced concrete secondary containment area located adjacent to storage magazines 8, 9 and 10. This area is covered to minimize precipitation accumulation and is designed to contain spilled liquid. The concrete base is sloped toward a centralized sump and raised curbs are located on the perimeter. Figure 7 shows the foundation plan and details.

Facility and Unit Locations

The facility is located on the east side of Highway 471, approximately four miles north of Colfax in Grant Parish, Louisiana. Figure 5 shows the location of the facility and the surrounding topography. Figure 5 depicts the facility property boundary and Figures 1 and 3 depict the location of the treatment and storage units.

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The land surrounding the facility boundary is primarily agricultural, undeveloped property. There are small pockets of residential and commercial use properties within a 2 mile radius of the facility to the south, west and east.

Climate Description

Appendix 9 contains monthly climatic data for the Alexandria, Louisiana area during the period 1961 through 1990. Both temperature and precipitation data are provided as well as summary data. Appendix 9 has wind roses for weather service stations bracketing the site showing prevailing wind direction.

Appendix 9 also shows the path of hurricanes across the state since 1900. No hurricane during this period has crossed Grant Parish while still maintaining hurricane force winds.

Geological Soil Profiles

In 1993 a hydrogeological investigation was conducted in the vicinity of the thermal treatment units. Appendix 8 contains geologic cross sections and a fence diagram showing soil stratigraphy at the facility. The locations of the boreholes included in the investigation are shown on the Upper Aquifer Potentiometric Surface Map provided with this attachment.

Surface Hydrology

The majority of the facility is located in rolling hill topography with natural, intermittent drainage features (see Figure 1). Much of the facility and adjoining property contains pine and hardwood trees.

Runoff from the thermal treatment area flows north to northwest and joins other intermittent streams to form Summerfield Branch. Summerfield Branch flows toward the northwest into Bayou Grappe. Bayou Grappe meanders from the northwest to the southeast where it splits into several bayous that eventually empty into the Red River.

The 100-Year Floodplain limits for the geographic area containing the treatment facility are indicated on the copy of the FEMA map that is included in Appendix 14. The FEMA map

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that includes the site is Community No. 220076, Panel 0115C, Flood Insurance Rate Map dated November 16, 1995. As indicated on the FEMA map, the facility is outside of the 100-Year Floodplain limits.

REGULATION:

3511.A.2. The administrative authority's approval of the plan must ensure that the approved closure plan is consistent with LAC 33:V.3507, 3511–3517, and the applicable requirements of LAC 33:V.Chapter 33, 1803, 1911, 1915, 2117, 2315, 2521, 2719, 2911, 3121, and 3203. Until final closure is completed and certified in accordance with LAC 33:V.3517, a copy of the approved plan and all approved revisions must be furnished to the administrative authority upon request, including request by mail.

Response:

3511.A.2 The operator will maintain a copy of the closure plan and all approved revisions onsite during the operating life and closure of the facility. Copies of the closure plan and revisions will be supplied to the administrative authority at its request.

REGULATION:

3511.B. Content of Plan. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include, at least:

3511.B.1. a description of how each hazardous waste management unit at the facility will be closed in accordance with LAC 33:V.3507:

Response:

3511.B.1.

At closure the wastes stored in the magazines will be removed to other magazines or the preparation building, then thermally treated in the burners. Untreated reactive material

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spilled during the preparation and treatment procedures will be collected immediately and thermally treated. Ash residue generated from treatment will be collected and containerized for proper disposal. Disposal will comply with the Land Disposal Restrictions contained in LAC 33:V.Chapter 22. The treatment area concrete pad will be cleaned with mechanical sweepers or other appropriate means. Residues will be disposed at an appropriate permitted facility.

Subsequent to final treatment and removal of waste, the burner assemblies and concrete burn pads will be removed and disposed at an appropriate permit facility.

The treatment area concrete pad will be pressure washed using an industrial detergent followed by a clean water rinse(s). The final rinsate from the pad will be sampled to demonstrate clean closure.

The detention pond was constructed to control the discharge rate of surface water offsite and is not a regulated storage unit. A 60 mil HDPE liner was placed over compacted subgrade to prevent migration of liquid to subsurface soil. Liquid head over the liner, which is the driving force for liquid migration through the liner, is a temporary phenomenon that occurs during significant storm events. The permeability of the liner is negligible. Therefore, impact to subsurface soil from detention of surface water is considered to be highly unlikely. The pond discharge is regulated through the Federal NPDES Storm Water program and is sampled in accordance with permit requirements. Any change in the discharge water quality will be detected and assessed through this program.

Even though the detention pond is not a RCRA regulated unit, the facility will examine subsurface soil below the pond in order to address LDEQ concerns regarding potential impact of surface water flow. Initially, accumulated sediment inside the pond, if any, will be sampled and analyzed for volatile organic compounds (VOCs), metals and extractable explosives by SW-846 method 8333.

In addition to sampling accumulated sediment, the facility will sample soil beneath the HDPE liner at the location most likely to be impacted by surface water contaminant migration. This worst case area is located at the tie-in of the HDPE to the concrete

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discharge structure since the liquid head is greatest at this point. Discrete soil samples will be collected at this location at the surface and at a depth of 16 inches.

All samples will be collected using procedures described in the Sampling and Analysis Plan and will be analyzed for VOCs, total metals and extractable organics by SW-846 method 8330. Sediment and subsurface soil will be considered potentially impacted if the target constituents exceed background levels. Background levels were established through the previously performed Soil Monitoring Plan during the first several years of operation of the facility.

If accumulated sediment contains target compound concentrations greater than background levels, it will be removed and disposed offsite at an approved permitted facility in accordance with the requirements of LAC 33:V.Chapter 22. If concentrations of target compounds exceeding background are found in soil beneath the liner a soil assessment plan for the detention pond will be developed. This assessment plan will address the vertical and horizontal extent of contamination. The plan will be submitted to the LDEQ for approval within 60 days of receipt of initial soil analytical results and will contain a schedule of implementation.

The storage magazines, preparation building, truck staging and containment areas, ash container storage area and the polyethylene tank will then be closed. The building and concrete pads will remain onsite or be removed at the applicant's discretion.

REGULATION:

3511.B.2. a description of how final closure of the facility will be conducted in accordance with LAC 33:V.3507. The description must identify the maximum extent of the operations which will be unclosed during the active life of the facility; and

Response:

3511.B.2. The maximum extent of operations that will be active during the life of the facility is the storing of the wastes in the ten storage magazines, ash storage in the ash container storage area, the use of the preparation building, and the treating of wastes in the twenty open burners. The truck staging and containment areas will only be used

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for temporary staging of trucks waiting to unload and will not be used to hold waste inventory.

Final closure of the facility will occur when all stored wastes have been treated, treatment by-products have been removed from the site, and all waste management units have been cleaned. The storage magazines and preparation building will remain in service until all stored wastes have been prepared and removed for treatment. The open burners will remain in service until all onsite wastes, storage magazine wood interiors, and spill residues have been treated.

The ash container storage area will be closed after all ash, spill residue and burner units have been removed from site. The truck staging and containment areas will no longer be required for receiving wastes when closure is initiated; however, they will remain in service for equipment decontamination as required until closure of other areas/units is complete.

REGULATION:

3511.B.3. an estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the type(s) of the off-site hazardous waste management units to be used, if applicable; and

3511.B.4. a detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

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Response:

3511.B.3., 3511.B.4 The maximum inventory of untreated waste that would be onsite at any time during the operating life of the facility is provided in Table II of Part I. This value assumes all magazines are full, the burn pads are loaded, the preparation building has a full day's burn in processing, and the truck unloading area has a full day's burn waiting to be unloaded. The specific activities required to meet the closure performance standard for existing and proposed units are discussed below.

At closure the wastes stored in the magazines will be removed to other magazines or the preparation building, then treated in the burners. Untreated material spilled during the preparation and treatment procedures will be collected immediately and burned. Any ash residue generated from treatment will be collected and containerized for proper disposal at an appropriate facility. Disposal of all hazardous waste targeted for offsite disposal will comply with the Land Disposal Restrictions contained in LAC 33:V.Chapter 22.

The detailed closure plan for the units is described below:

All wastes will be removed from the storage magazines and taken to other magazines or the preparation building. At the preparation building, the containers of waste will be separated into those that are ready to be treated and those that require preparation for treatment. After preparation, the wastes will be placed in the open burners. Extreme caution will be taken to ensure that no open flames (except in the burners) hot surfaces, or smoking are present in the storage or treatment areas. Waste containers will be thermally treated, crushed and containerized for disposal at a permitted facility. Disposal will comply with the Land Disposal Restrictions contained in LAC 33:V.Chapter 22.

The storage magazines will be closed by removing and thermally treating the wood interiors. The wood will be burned in the open burners, and the ash will be containerized for disposal at an appropriate approved facility. Subsequent to removal and thermal treatment of the wood interiors, all ten magazines (storage units) shall be torched to remove any trace of reactive material. The interior will be pressure washed and triple rinsed with clean water. Washwaters will be temporarily stored in a mobile container prior to being transported to an appropriate offsite facility.

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The final rinsewater for each magazine shall be sampled within the unit and analyzed for VOCs (SW846 Method 8260), total metals (As, Ba, Cd, Cr, Pb, Hg, Se, Ag, Cu, Ni, V, Zn, Sb, Tl and Be) and extractable explosives (SW846 Method 8330).

If extractable explosives or volatile organic compounds are detected based upon the lower detectable limits established by the analytical method, or if the concentrations of metals exceed background levels as established through analysis of source water, a decision will be made to repeat decontamination procedures or to declare the unit hazardous and dispose in a permitted facility. It is anticipated that one decontamination event will be required per unit in order to clean close. If the rinsewater clean closure criteria constituents are below background levels, LESTT will dispose offsite as non-hazardous.

After all waste has been thermally treated, soil in the vicinity of the storage and treatment areas will be examined for signs of spillage. It is not anticipated that spilled waste will be present; however, any spilled waste will be removed with hand tools. Hand tools will be cleaned by detergent wash and clean water rinse with the washwater going to the polyethylene washwater tank. If at least one half of the removed media is spilled waste, then this removed media should be treated in the burners. If the spilled waste makes up less than one half of the removed media, then, the media must be sent to a permitted facility for treatment or disposal in accordance with Land Disposal Restrictions. Also, a surface soil sample will be collected after removal of the spilled material to verify the area is clean. The surface sample will be analyzed for VOCs (SW846 Method 8260), total metals (As, Ba, Cd, Cr, Pb, Hg, Se, Ag, Cu, Ni, V, Zn, Sb, Tl and Be) and extractable explosives (SW-846 Method 8330).

After storage magazines 1 - 7 have been closed, a discrete surface soil sample will be collected from an area adjacent to each entry. The discrete samples will be analyzed for the same constituents as listed above. If the levels of detectable compounds exceed the established criteria for clean closure described above, the following procedures will be implemented. Otherwise, the soil will be considered to be at background levels.

For the magazine(s) that show target constituents above background levels, the top six (6) inches of soil will be excavated from an area approximately four (4) feet by six (6) feet immediately adjacent to the concrete slab at the front entrance of the magazine. This will

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result in approximately 0.5 cubic yards of soil per unit where excavation is required. This soil will be sent to a permitted facility for disposal. Disposal will comply with the Land Disposal Restrictions contained in LAC 33:V.Chapter 22. Subsequent to soil removal a confirmation surface soil sample will be collected from the excavated area. The confirmation sample will be analyzed for the above stated parameters. If the confirmation sample meets the established criteria for clean closure described above, then the storage magazine area will be considered clean closed.

The preparation building will be closed next by first cleaning and removing all equipment. Equipment will be cleaned by steam cleaning or washing and will be removed from the building for further use at the owner's discretion.

After equipment removal, the building floor and walls will be cleaned using a detergent wash followed by several high pressure rinses. Any deposits not removed by water washing will be scraped using hand tools. Washwater will be analyzed and handled as described for the storage magazines. Decontamination will be confirmed through final rinse analysis.

After the reactive wastes, storage magazine wood interiors, and any spill residues are thermally treated, the ash will be removed from the burners and containerized for disposal offsite. Disposal will comply with the Land Disposal Restrictions contained in LAC 33:V.Chapter 22. The metal trough burners, the concrete burners, the metal grates and covers, and the concrete burn pads will be disposed of or recycled as appropriate. These materials will either be removed and containerized , or will be loaded directly onto trucks for disposal at an approved facility. The burners, ash, spill residue, and concrete burn pads from burner locations which handled listed waste will be containerized and disposed of at a hazardous waste landfill site.

The treatment area concrete pad will be pressure washed using an industrial detergent followed by a clean water rinse(s). The final rinsate from the pad will be sampled in each of the sump areas and analyzed for VOCs (SW846 Method 8260, total metals (As, Ba, Cd, Cr, Pb, Hg, Se, Ag, Cu, Ni, V, Zn, Sb, Tl and Be) and extractable explosives (SW846 Method 8330). If the rinsate target constituent concentrations exceed TCLP, the rinsate will be treated as hazardous waste. Any contaminated rinsate will be pumped into a tanker truck or mobile storage tank (e.g., Frac) prior to being transported offsite to an

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approved permitted facility in accordance with all applicable requirements of LAC 33:V Chapter 22. If constituent concentrations are below background levels, the rinsate will be disposed of offsite as non-hazardous.

If VOCs or extractable explosives are detected above the lower detectable limits established by the analytical method, or if the concentrations of metals exceeds background levels, a decision will be made either to repeat decontamination procedures or to declare the unit hazardous and dispose in a permitted facility in accordance with the Land Disposal Restrictions of LAC 33:V.Chapter 22. It is anticipated that one decontamination event will be required per unit in order to clean close.

The soil surrounding the treatment area will be assessed through the Soil Monitoring Plan (Attachment 5). Soil sampling locations 13, 14, 15, 16, and 17 are located in the immediate vicinity of the treatment area. If closure occurs later than 180 days after the last Soil Monitoring Plan sampling event and treatment has occurred within that period, these sampling locations will be resampled and analyzed in accordance with the Plan. If it is determined that the soil in the vicinity of the treatment area has been impacted, an assessment plan will be developed as described previously for the detention pond.

The next units to be closed will be the truck staging and containment areas and the ash container storage area (including the polyethylene tank containment area). Any heavy accumulations of contaminated material within these areas will be scraped and placed into a roll-off container for disposal at an appropriate permitted facility. The concrete surface in each area will then be detergent washed and tripled rinse. Washwaters will be temporarily stored in a mobile tank or the polyethylene washwater tank prior to being transported to an appropriate offsite facility. The final rinse in each area will be sampled and analyzed as previously described to confirm decontamination. Any contaminated rinsates will be pumped into a tanker truck or mobile storage tank (e.g., Frac) prior to being transported offsite to an approved permitted facility in accordance with all applicable requirements of LAC 33:V Chapter 22. The rinsate may be held temporarily in the polyethylene tank prior to transport offsite. If final rinsate clean closure constituents are below background levels the operator will either release this rinsate onsite or dispose offsite. Any liquid contained in the polyethylene tank that is designated for offsite treatment or disposal will be characterized for receipt into the approved, permitted facility. After all washwaters have been removed from the site the polyethylene tank will be

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disposed at a permitted facility. All personnel involved in the closure operation will be protected as the operation requires. Personal protective equipment may include such items as goggles or safety glasses, gloves, Tyvek suits, splash suits, and rubber boots. Respiratory protection will not be necessary although it will be available for emergency situations which may arise.

At this time it is anticipated that an appropriate, approved and permitted landfill will be used to dispose of solid treatment residues for the purpose of this closure plan. Disposal will comply with the Land Disposal Restrictions contained in LAC 33:V.Chapter 22. The Chemical Waste Management landfill in Emelle, Alabama was used to develop the closure costs for treatment residue disposal.

An appropriate, approved and permitted liquids treatment facility will be used to dispose of washwater and rinsates. For the purpose of developing this closure plan, the Laidlaw Environmental Services (TOC), Inc. Facility located in Roebuck, South Carolina was used to determine costs of disposal.

Sampling and Analysis Plan

All soil and water samples will be sampled and analyzed in accordance with SW 846. All sampling procedures will be designed to minimize the possibility of cross contamination and sample mismanagement. Sample containers which have been prepared by the receiving laboratory will be used with no further field preparation.

Surface soil samples will be collected directly from the surface sediments using stainless steel spoons or a gloved hand to place the sample into the sample container. Sampling personnel shall wear a separate pair of disposable latex gloves for each sampling point.

Water samples will be collected directly from the final rinsates subsequent to cleaning operations. At each sampling location sampling personnel will wear a separate pair of disposable latex gloves. All sample containers for organic analysis will be filled completely to minimize or eliminate headspace between the sample and the container cap. Care will be taken to minimize disturbance of the sample.

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It is estimated that less than 20 gallons of wastewater and less than 1 gallon of solvent will be generated in the decontamination of sampling equipment. The wastewater will be drummed and disposed offsite at an approved permitted facility in accordance with the Land Disposal Restrictions of LAC 33:V. Chapter 22. The solvent will be containerized and allowed to evaporate onsite. Sample locations will be marked in the field and identification numbers will be assigned to each point. All sample containers will be labeled immediately after sample collection with a unique identification number to reflect the location and depth at which the sample was taken. Other information which will be provided includes the names of sampling personnel, time and date.

Sample containers will be cooled to 4 degrees Celsius and will be shipped to the laboratory within 24 hours of collection. A chain-of-custody record will accompany the shipment and every precaution will be taken to ensure that the sample integrity is maintained from point of collection to the laboratory.

REGULATION:

3511.B.5. A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and run-off control;

Response:

3511.B.5. No other activities will be necessary for final closure. Other activities associated with final closure of the facility will be to remove all warning signs posted for the protection of the persons present in, nearby, or entering the facility. All associated appurtenances, such as fences and outbuildings, and the water reservoir, may remain in-place or be removed as the owner chooses.

Upon closure, the waste management activities at the facility will cease, and all units utilized to treat or store wastes will be cleaned. The air monitoring weather station will cease operations once open burning activities are complete. Run-on and run-off control of surface drainage are not applicable to this facility subsequent to closure.

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REGULATION:

3511.B.6 A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure (for example, in the case of a landfill, unit estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included); and

Response:

3511.B.6. The time and activities required to complete final closure of the facility are described in Table 5.

REGULATION:

3511.B.7. for facilities that use trust funds to establish financial assurance LAC 33:V.3707 and 3711 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

Response:

3511.B.7. LESTT is not using a trust fund for financial assurance; therefore, this section is not applicable.

REGULATION:

3511.C. Amendment of Plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in LAC 33:V.Chapters 3 and 7. The written notification or request must include a copy of the amended closure plan for review or approval by the administrative authority.

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Response:

3511.C. Any revision that affects the operation of the facility, facility design, or the closure plan will be submitted in writing to the administrative authority. The requests for revision will be accompanied by supporting engineering and scientific data and calculations, as appropriate, to permit the administrative authority to evaluate the proposed change. A copy of the revised closure plan will be submitted to the administrative authority for its review. LESTT will not implement any of the requested revisions until written approval from the administrative authority has been received.

REGULATION:

3511.C.1. The owner or operator may submit a written notification or request to the administrative authority for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

Response:

3511.C.1. LESTT may submit a request to amend the closure plan at any time during the operating life of the facility. The amendment request will be made prior to any notification of partial closure activity or final closure of the facility.

REGULATION:

3511.C.2. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:

3511.C.2.a. Changes in operating plans or facility design affect the closure plan, or

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Response:

3511.C.2.a. LESTT will submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever changes in operating plans or facility design affect the closure plan.

REGULATION:

3511.C.2.b there is a change in the expected year of closure, if applicable or

Response:

3511.C.2.b. If the date of closure changes, LESTT will submit a new estimated closure date and reasons for the change.

REGULATION:

3511.C.2.c In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan.

Response:

3511.C.2.c. If unexpected conditions develop affecting the partial or final closure plans, LESTT will submit, in writing, a description of the unexpected condition, the modifications required of the closure plan, and supporting documentation.

REGULATION:

3511.C.3. The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste

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pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under LAC 33:V.2911.D or 2315.D must submit an amended closure plan to the administrative authority no later than 60 days from the date that the owner or operator or administrative authority determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of LAC 33:V.2521, or no later than 30 days from that date if the determination is made during partial closure or final closure. The administrative authority will approve, disapprove, or modify this amended plan in accordance with the procedures in LAC 33:V.Chapters 3 and 7. In accordance with LAC 33:V.311, the approved closure plan will become a condition of any hazardous waste permit issued.

Response:

3511.C.3. In accordance with LAC 33:V.3511, a written request for an amendment to the permit will be submitted to the administrative authority at least 60 days before LESTT plans to implement the change. A copy of the amended closure plan and supporting documentation will accompany the revision request. If an unexpected condition develops that necessitates a change to the permit, the written request for an amendment, amended closure plan, and documentation will be made no later than 30 days after the event occurs.

LESTT understands that the administrative authority must approve an amendment to the closure plan and that the modified closure plan will become a condition of the permit. A copy of the amended closure plan will be maintained onsite until final closure of the facility is completed.

REGULATION:

3511.C.4. The administrative authority may request modifications to the plan under the conditions described in LAC 33:V.3511.A.2. The owner or operator must submit the modified plan within 60 days of the administrative authority's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the administrative authority will be approved in LAC 33:V.Chapters 3 and 7.

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Response:

3511.C.4. LESTT will respond no later than 60 days after receipt of a written request from the administrative authority to modify the closure plan. This response period will be reduced to 30 days if the written request is a result of a change in the facility conditions that occurs during partial or final closure. LESTT will submit a copy of the modified closure plan with supporting documentation, as appropriate.

REGULATION:

3511.D. Notification of Partial Closure and Final Closure.

3511.D.1. The owner or operator must notify the administrative authority in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the administrative authority in writing at least 45 days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the administrative authority in writing at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

Response:

3511.D.1. In accordance with LAC 33:V.3511, LESTT will notify the administrative authority at least 45 days in advance of the date that it expects to begin final closure of the facility.

REGULATION:

3511.D.2. The date when he or she "expects to begin closure" must be one of the following:

a. No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there

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Is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. If the owner or operator of a hazardous waste management unit can demonstrate to the administrative authority that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and he or she has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the administrative authority may approve an extension to this one-year limit.

Response:

3511.D.2.a. Final closure activities for the units will be initiated within 30 days after receipt of the final volume of wastes. All closure activities for the units, including inspections and final certification, will be completed within 180 days after the receipt of the final volume of reactive waste.

REGULATION:

3511.D.2.b. For units meeting the requirements of LAC 33:V.3513.D, no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator can demonstrate to the administrative authority that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and he or she has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the administrative authority may approve an extension to this one-year limit.

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Response:

3511.D.2.a. The operator does not operate a landfill, land treatment, or surface impoundment; therefore, the facility does not meet the requirements of 3513.D, and this section is not applicable.

REGULATION:

3511.D.3. If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order under R.S. 30:2025, to cease receiving hazardous wastes or to close, then the requirements of this Paragraph do not apply. However, the owner or operator must close the facility in accordance with the deadlines established in LAC 33:V.3513.

Response:

3511.D.3. LESTT will close the facility if the operating permit is terminated, if the site is ordered to no longer receive wastes or is closed by judicial decree or final order under R.S. 30:2025. LESTT understands that the notification requirements of Paragraph D of LAC 33:V.3511 do not apply to this situation. Final closure of the facility will proceed in accordance with the schedule presented in Section 3511.B.6 of this permit application and LAC 33:V.3513.A.

REGULATION:

3511.E. Removal of Wastes and Decontamination or Dismantling of Equipment. Nothing in this Section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

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Response:

3511.E. All partial closure and final closure activities will be carried out according to the approved closure plan including any amendments. The administrative authority will be notified in regard to closure as stated in this plan.

3513. CLOSURE; TIME ALLOWED FOR CLOSURE

REGULATION:

3513.A. Within 90 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes if the owner or operator receives administrative authority allowance pursuant to LAC 33:V.3513.D and complies with all applicable requirements in LAC 33:V.3513.D and E, at a hazardous waste management unit or facility, the owner or operator must treat, remove from the facility or unit, or dispose of on-site, all hazardous wastes in accordance with the approved closure plan. The administrative authority may approve a longer period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that:

Response:

3513.A. All stored wastes will be treated and the resulting treatment residues will be removed offsite within 90 days after receiving the final volume of reactive waste. Treatment and removal activities will proceed in accordance with the approved closure plan, including approved revisions.

REGULATION:

3513.A.1. the activities required to comply with this Paragraph will, of necessity, take longer than 90 days to complete, or

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Response:

3513.A.1. The operator does not expect these activities to require more than 90 days to complete.

REGULATION:

3513.A.2. The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes if the owner or operator receives administrative authority allowance pursuant to LAC 33:V.3513.D and complies with LAC 33:V.3513.D and E, and there is a reasonable likelihood that he or another person will recommence operation of the site, as provided in LAC 33:V.321; and

Response:

3513.A.2. LESTT does not anticipate requiring an extension to receive additional wastes.

REGULATION:

3513.A.3. closure of the facility would be incompatible with continued operation of the site; and

Response:

3513.A.3. The waste management operations of the site would cease after the final volume of wastes was treated. Continued operation of the site is not anticipated.

REGULATION:

3513.A.4. the owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment.

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Response:

3513.A.4. LESTT does not anticipate requiring an extension of the 90-day period. In the event that such an extension is requested, LESTT will submit such a request and supporting documentation in writing to the administrative authority. The documentation will include a description of the steps taken to protect the health and welfare of the public and the environment from activities related to the operation of the facility. These steps will include collection and treatment of spilled wastes in the storage and treatment areas, disposal of treatment residue offsite at an approved facility, and cleaning the reactive waste management units.

REGULATION:

3513.B. The owner or operator must complete partial and final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes if the owner or operator complies with all applicable requirements in LAC 33:V.3513.D and E, at the hazardous waste management unit or facility. The administrative authority may approve an extension to the closure period if the owner or operator complies with all applicable requirements for requesting a permit modification and demonstrates that:

Response:

3513.B. The facility will be closed within 180 days after the receipt of the final reactive waste volume.

REGULATION:

3513.B.1. the partial or final closure activities will, of necessity, take longer than 180 days to complete; or

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Response:

3513.B.1. LESTT does not anticipate requiring more than 180 days to complete either partial or final closure.

REGULATION:

3513.B.2. the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes or has the capacity to receive non-hazardous wastes if the owner or operator complies with LAC 33:V.3513.D and E; and

Response:

3513.B.2. LESTT does not anticipate requiring an extension to receive additional wastes.

REGULATION:

3513.B.3. There is a reasonable likelihood that he or another person will recommence operation of the hazardous waste management unit within one year, as provided in LAC 33:V.321; and

Response:

3513.B.3. Once closed, the facility is not expected to be reactivated.

REGULATION:

3513.B.4. closure of the facility would be incompatible with continued operation of the site; and

Response:

3513.B.4. The operations at the treatment facility will cease as part of the final closure activities.

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REGULATION:

3513.B.5. he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed, but inactive hazardous waste management unit including compliance with all applicable permit conditions.

Response:

3513.B.5. All waste management units will be deactivated and cleaned in accordance with the final closure plan. However, should LESTT require an extension to the 180 day period, a request with supporting documentation will be submitted to the administrative authority for approval. The documentation will describe the steps that LESTT has taken to ensure the protection of the public and environment from the inactive waste management units. These steps will include cleaning the units during the inactive phase to remove all residues due to waste treatment activities and collecting and treating spilled reactive wastes in the storage and treatment areas.

REGULATION:

3513.C. The demonstrations referred to in LAC 33:V.3513.A and B must be made as follows:

3513.C.1.the demonstrations In Subsection A must be made at least 30 days prior to the expiration of the 90-day period in Subsection A; and

Response:

3513.C.1. If necessary, LESTT will submit such a request in writing to the administrative authority no later than 30 days before the expiration of the 90-day period.

REGULATION:

3513.C.2. the demonstration in LAC 33:V.3513.B must be made at least 30 days prior to the expiration of the 180-day period in LAC 33:V.3513.B, unless the owner or operator is otherwise subject to the deadlines in LAC 33:V.3513.D.

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Response:

3513.C.2. If necessary, LESTT will submit a request to extend the 180-day period in writing to the administrative authority no later than 30 days before the expiration of the 180-day period.

REGULATION:

3513.D. The administrative authority may allow an owner or operator to receive only non-hazardous wastes in a landfill, land treatment, or surface impoundment unit after the final receipt of hazardous wastes at that unit if the following conditions are met.

1. The owner or operator requests a permit modification in compliance with all applicable requirements in LAC 33:V.Chapters 1, 3, 5, 7, 27, 31, and 43, and in the permit modification request demonstrates that:

a. the unit has the existing design capacity as indicated on the Part I application to receive non-hazardous wastes;

b. there is a reasonable likelihood that the owner or operator or another person will receive non-hazardous wastes in the unit within one year after the final receipt of hazardous wastes;

c. the non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37;

d. closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and

e. the owner or operator is operating and will continue to operate in compliance with all applicable permit requirements.

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2. The request to modify the permit includes an amended waste analysis plan, groundwater monitoring and response program, human exposure assessment required under LAC 33:V.503.A, and closure and post-closure plans, and updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes and changes in closure activities, including the expected year of closure if applicable under LAC 33:V.3511.B.7, as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes.

3. The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes.

4. The request to modify the permit and the demonstrations referred to in LAC 33:V.3513.D.1 and 2 are submitted to the administrative authority no later than 120 days prior to the date on which the owner or operator of the facility receives the known final volume of hazardous wastes at the unit, or no later than 90 days after the effective date of this rule, whichever is later.

Response:

3513.D. LESTT does not operate a landfill, land treatment, or a surface impoundment; therefore, the entirety of Section 3513.D. is not applicable.

REGULATION:

3513.E. In addition to the requirements in LAC 33:V.3513.D, an owner or operator of a hazardous waste surface impoundment that is not in compliance with the liner and leachate collection system requirements in LAC 33:V.Chapter 29 must do the following.

1. Submit with the request to modify the permit:

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a. a contingent corrective measures plan, unless a corrective action plan has already been submitted under LAC 33:V.3319; and

b. a plan for removing hazardous wastes in compliance with LAC 33:V.3513.E.2.

2. Remove all hazardous wastes from the unit by removing all hazardous liquids and removing all hazardous sludges to the extent practicable without impairing the integrity of the liner(s), if any.

3. Removal of hazardous wastes must be completed no later than 90 days after the final receipt of hazardous wastes. The administrative authority may approve an extension to this deadline if the owner or operator demonstrates that the removal of hazardous wastes will, of necessity, take longer than the allotted period to complete and that an extension will not pose a threat to human health and the environment.

4. If a release that is a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters or constituents specified in the permit or that exceeds the facility's groundwater protection standard at the point of compliance, if applicable, is detected in accordance with the requirements in LAC 33:V.Chapter 33, the owner or operator of the unit:

a. must implement corrective measures in accordance with the approved contingent corrective measures plan required by LAC 33:V.3513.E.1 no later than one year after detection of the release or approval of the contingent corrective measures plan, whichever is later;

b. may continue to receive wastes at the unit following detection of the release only if the approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and

c. may be required by the administrative authority to implement corrective measures in less than one year or to cease the receipt of wastes until corrective

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measures have been implemented if necessary to protect human health and the environment.

5. During the period of corrective action, the owner or operator shall provide semiannual reports to the administrative authority that describe the progress of the corrective action program, compile all groundwater monitoring data, and evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.

6. The administrative authority may require the owner or operator to commence closure of the unit if the owner or operator fails to implement corrective action measures in accordance with the approved contingent corrective measures plan within one year as required in LAC 33:V.3513.E.4, or fails to make substantial progress in implementing corrective action and achieving the facility's groundwater protection standard or background levels if the facility has not yet established a groundwater protection standard.

7. If the owner or operator fails to implement corrective measures as required in LAC 33:V.3513.E.4, or if the administrative authority determines that substantial progress has not been made pursuant to LAC 33:V.3513.E.6, he or she shall do the following:

a. The administrative authority will notify the owner or operator in writing that the owner or operator must begin closure in accordance with the deadlines in LAC 33:V.3513.A and B, and provide a detailed statement of reasons for this determination.

b. The administrative authority will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the decision no later than 20 days after the date of the notice.

c. If the administrative authority receives no written comments, the decision will become final five days after the close of the comment period. The administrative authority will notify the owner or operator that the decision is final, and that a revised closure plan, if necessary, must be submitted within 15 days of

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the final notice, and that closure must begin in accordance with the deadlines in LAC 33:V.3513.A and B.

d. If the administrative authority receives written comments on the decision, he or she shall make a final decision within 30 days after the end of the comment period, and provide the owner or operator in writing and the public through a newspaper notice with a detailed statement of reasons for the final decision. If the administrative authority determines that substantial progress has not been made, closure must be initiated in accordance with the deadlines in LAC 33:V.3513.A and B.

e. The final determinations made by the administrative authority under LAC 33:V.3513.E.7.c and d are not subject to administrative appeal.

Response:

3513.E. LESTT does not operate a surface impoundment; therefore, the entirety of 3513.E. is not applicable.

3515. DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES AND SOILS

REGULATION:

3515. During the partial and final closure periods, all contaminated equipment, structures, and soils must be properly disposed of or decontaminated, unless otherwise specified in LAC 33:V.1915, 2315, 2521, 2719, and 2911, or under the authority of LAC 33:V.3203 and 3207. By removing any hazardous waste or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that waste in accordance with all applicable requirements of LAC 33:V.Chapter 11.

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Response:

3515. Ash, burners, and treatment residues from burner units which treated listed wastes will be considered hazardous wastes and will be handled in accordance with Chapter 11 requirements. In addition, washwaters resulting from closure may require being handled as hazardous waste.

3517. CERTIFICATION OF CLOSURE

REGULATION:

3517.A. Within 60 days of completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit, and within 60 days of the completion of final closure, the owner or operator must submit to the administrative authority, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.3707.

Response:

3517.A. LESTT does not operate a hazardous waste surface impoundment, waste pile, land treatment, or landfill unit; therefore, this section is not applicable.

REGULATION:

3517.B. Survey Plat. No later than the submission of the certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the administrative authority, a survey plat indicating the location and dimensions of landfills cells or other hazardous waste disposal units with respect to

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permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority, or the authority with jurisdiction over local land use, must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable Chapter 35 regulations.

Response:

3517.B. A survey plat is not required to be submitted for this site. No onsite disposal of hazardous wastes occurs.

SUBCHAPTER B. POST-CLOSURE REQUIREMENTS

3519. POST-CLOSURE PROCEDURES

3519.A. Any proposed transfer of ownership of the property shall be reported to the administrative authority at least 60 days prior to execution of such sale.

3519.B. The administrative authority must approve any new owner. Criteria for approval includes agreement to land use restrictions necessary to protect public health and financial responsibility covering liability due to change in land use.

3519.C. The administrative authority will conduct an annual evaluation of the site for the period of post-closure.

Response:

3519.C. No post closure requirements will apply.

3521. POST-CLOSURE CARE AND USE OF PROPERTY, ETC.

REGULATION:

3521.A. Length of Post-closure

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3521.A.1. Post-closure for each hazardous waste management unit subject to the requirements of LAC 33:V.3519 through 3527 must continue for at least 30 years after the date of completing closure of that unit and must consist of at least the following:

3521.A.1.a. monitoring and reporting in accordance with the requirements of LAC 33:V.Chapters 23, 25, 27, 29, 32 and 33; and

3521.A.1.b. maintenance and monitoring of waste containment systems in accordance with the requirements of LAC 33:V.Chapters 23, 25, 27, 29, 32 and 33.

3521.A.2. Any time preceding partial closure of a hazardous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure period for a particular unit, the administrative authority may, in accordance with the permit modification procedures in LAC 33:V.321:

3521.A.2.a. shorten the post-closure care period applicable to the hazardous waste management unit, or facility, if all disposal units have been closed, if he finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or groundwater monitoring results, characteristics of the hazardous wastes, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure); or

3521.A.2.b. extend the post-closure care period applicable to the hazardous waste management unit or facility if he finds that the extended period is necessary to protect human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).

3521.B. The administrative authority may require, at partial and final closure, continuation of any of the security requirements of LAC 33:V.1507 during part or all of the post-closure period when:

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3521.B.1. hazardous wastes may remain exposed after completion of partial or final closure; or

3521.B.2. access by the public or domestic livestock may pose a hazard to human health.

3521.C. Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the facility's monitoring systems, unless the administrative authority finds that the disturbance:

3521.C.1. is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

3521.C.2. is necessary to reduce a threat to human health or the environment.

3521.D. All post-closure care activities must be in accordance with the provisions of the approved post-closure plan as specified in LAC 33:V.3525.

Response:

3521. Post-closure procedures do not apply to this site. No wastes will remain onsite after closure. The facility stores and treats wastes and is not a disposal facility.

REGULATION:

3523. Post-closure Plan, Amendment of Plan

A. Written Plan. The owner or operator of a hazardous waste disposal unit must have a written post-closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous wastes at partial or final closure are required by LAC 33:V.2911.D and 2315.C to have contingent post-closure plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-

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closure plans under LAC 33:V.2315.C and 2911.D must submit a post-closure plan to the administrative authority within 90 days from the date that the owner or operator or administrative authority determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of LAC 33:V.3519-3527. The plan must be submitted with the permit application, in accordance with LAC 33:V.517.P, and approved by the administrative authority as part of the permit issuance procedures under these regulations. In accordance with LAC 33:V.311 the approved post-closure plan will become a condition of any hazardous waste permit issued.

B. For each hazardous waste management unit subject to the requirements of this Section, the post-closure plan must identify the activities that will be carried on after closure of each disposal unit and the frequency of these activities, and include at least:

1. a description of the planned monitoring activities and frequencies at which they will be performed to comply with LAC 33:V.Chapters 23, 25, 27, 29, 32, and 33 during the post-closure care period; and

2. a description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

a. the integrity of the cap and final cover or other containment systems in accordance with the requirements of LAC 33:V.Chapters 23, 25, 27, 29, 32, and 33; and

b. the functioning of the monitoring equipment in accordance with the requirements of LAC 33:V. Chapters 23, 25, 27, 29, 32, and 33; and

3. the name, address and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.

C. Until final closure of the facility, a copy of the approved post-closure plan must be furnished to the administrative authority upon request, including request by mail.

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After final closure has been certified, the person or office specified in LAC 33:V.3525 must keep the approved post-closure plan during the remainder of the post-closure period.

D. Amendment of Plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements of LAC 33:V.Chapters 3 and 7. The written notification or request must include a copy of the amended post-closure plan for review or approval by the administrative authority.

1. The owner or operator may submit a written notification or request to the administrative authority for a permit modification to amend the post-closure plan at any time during the active life of the facility or during the post-closure care period.

2. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan whenever:

a. changes in operating plans or facility design affect the approved post-closure plan; or

b. there is a change in the expected year of final closure, if applicable; or

c. events which occur during the active life of the facility, including partial and final closures, affect the approved post-closure plan.

3. The owner or operator must submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at a closure and is not otherwise required to submit a contingent post-closure plan under LAC 33:V.2911.D and 2315.C must submit a post-closure plan to the administrative authority no later than 90 days after the date that the owner or operator or administrative authority

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determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of LAC 33:V.2521. The administrative authority will approve, disapprove or modify this plan in accordance with the procedures in LAC 33:V.Chapters 3 and 7. In accordance with LAC 33:V.311, the approved post-closure plan will become a permit condition.

4. The administrative authority may request modifications to the plan under the conditions described in LAC 33:V.3523.D.2. The owner or operator must submit the modified plan no later than 60 days after the administrative authority's request or no later than 90 days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure plan. Any modifications requested by the administrative authority will be approved, disapproved, or modified in accordance with the procedures in LAC 33:V.Chapters 3 and 7.

E. **Certification of Completion of Post-closure Care.** No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the administrative authority, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

Response:

3523. LESTT does not operate a disposal unit, surface impoundments, or waste piles; therefore, none of the requirements of Section 3523 apply.

REGULATION:

3525. Post-closure Notices

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A. No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the administrative authority a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the hazardous wastes to the best of his knowledge and in accordance with any records he has kept.

B. Within 60 days of certification of closure of the first hazardous waste disposal unit and within 60 days of certification of closure of the last hazardous waste disposal unit, the owner or operator must:

1. record, in accordance with state law, a notation on the deed to the facility property or on some other instrument which is normally examined during the title search that will in perpetuity notify any potential purchaser of the property that:

a. the land has been used to manage hazardous wastes; and

b. its use is restricted under LAC 33:V.Chapter 35; and

c. the survey plat and record of the type, location and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by LAC 33:V.3517 and 3527 have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the administrative authority; and

2. submit a certification, signed by the owner or operator, that he has recorded the notation specified in Subsection B.1 of this Section, including a copy of the document in which the notation has been placed, to the administrative authority.

C. If the owner or operator or any subsequent owner or operator of the land upon which a hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated soils, he must request a modification to the post-closure permit in accordance with the

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applicable requirements in LAC 33:V.Chapters 3 and 7. The owner or operator must demonstrate that the removal of hazardous wastes will satisfy the criteria of LAC 33:V.3521. By removing hazardous waste, the owner or operator may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of this Chapter. If he is granted a permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the administrative authority approve either:

1. the removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

2. the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

Response:

3525. LESTT does not operate a disposal unit; therefore, none of the requirements of 3525 apply.

REGULATION:

3527. Certification of Completion of Post-closure Care

No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the administrative authority, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he

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releases the owner or operator from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

Response:

3527. No post closure period is planned at this time.

Chapter 37
FINANCIAL REQUIREMENTS

3701. APPLICABILITY

REGULATION:

3701.A. The requirements of this Chapter apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Part.

3701.B. The requirements of LAC 33:V.3709 and 3711 apply only to owners and operators of:

3701.B.1. disposal facilities;

3701.B.2. piles and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that these sections are made applicable to such facilities in LAC 33:V.Chapters 23 and 29;

Response:

Post-closure maintenance and monitoring is not required for this facility. No untreated reactive wastes or treatment residues will remain onsite. All storage and treatment units, the preparation building, and equipment will be cleaned. LAC 33:V.3709 and 3711 do not apply.

REGULATION:

3701.B.3. tank systems that are required under LAC 33:V.1915 to meet the requirements for landfills; and

Response:

The site has no tank systems required to meet the requirements for landfills; therefore, this section does not apply.

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REGULATION:

3701.B.4. containment buildings that are required under LAC 33:V.1803 to meet the requirements for landfills.

Response:

The site has no containment buildings required to meet the requirements for landfills; therefore, this section does not apply.

REGULATION:

3701.C. States and the federal government are exempt from the requirements of this Chapter.

[Comment: The permit application should include a description of the financial structure of the operating unit including capital structure, principal ownership, and insurance coverage for personal injury and property damage.]

Response:

The facility is privately-owned. The requirements of Chapter 37 apply.

3703. DEFINITIONS OF TERMS AS USED IN THIS CHAPTER

REGULATION:

3703.A. General Terms

3703.A.1. *Closure Plan*—the plan for closure prepared in accordance with the requirements of LAC 33:V.Chapter 35.

3703.A.2. *Current Closure Cost Estimate*—the most recent of the estimates prepared in accordance with LAC 33:V.3705.A-C.

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3703.A.3. *Current Post-closure Cost Estimate*—the most recent of the estimates prepared in accordance with LAC 33:V.3709.A-C.

3703.A.4. *Parent Corporation*—a corporation which directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a subsidiary of the parent corporation.

3703.A.5. *Post-closure Plan*—the plan for the post-closure care prepared in accordance with the requirements of LAC 33:V.Chapter 35.

3703.A.6. The following terms are used in the specifications for the financial tests for closure, post-closure care, and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices.

3703.A.6.a. *Assets*—all existing and all probable future economic benefits obtained or controlled by a particular entity.

3703.A.6.b. *Current Assets*—cash or other assets, or resources commonly identified as those which are reasonably expected to be realized in cash, or sold, or consumed during the normal operating cycle of the business.

3703.A.6.c. *Current Liabilities*—obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

3703.A.6.d. *Independently Audited*—refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

3703.A.6.e. *Liabilities*—probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

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3703.A.6.f. *Net Working Capital*—current assets minus current liabilities.

3703.A.6.g. *Net Worth*—total assets minus total liabilities and is equivalent to owner's equity.

3703.A.6.h. *Tangible Net Worth*—the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

3703.A.7. *Current Plugging and Abandonment Cost Estimates*—most recent cost estimates prepared in accordance with 40 CFR 144.62a, b, and c, required by the Office of Conservation, or any other substantially equivalent state program.

3703.A.8. *Substantial Business Relationship*—the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A "substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that a currently existing business relationship between the guarantor and the owner or operator is demonstrated to the satisfaction of the applicable administrative authority.

3703.B. Insurance-related Terms. In the liability insurance requirements the terms bodily injury and property damage shall have the meanings given these terms by applicable state law. However, these terms do not include those liabilities which, consistent with standard industry practices, are excluded from coverage in liability policies for bodily injury and property damage. The meanings of other terms used in the liability insurance requirements are to be consistent with their common meanings within the insurance industry. The definitions of several of the terms given below are intended to assist in the understanding of these regulations and are not intended to limit their meaning in a way that conflicts with general insurance industry usage.

3703.B.1. *Accidental Occurrence*—an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

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3703.B.2. *Legal Defense Costs*—any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

3703.B.3. *Nonsudden Accidental Occurrence*—an occurrence which takes place over time and involves continuous or repeated exposure.

3703.B.4. *Sudden Accidental Occurrence*—an occurrence which is not continuous or repeated in nature.

SUBCHAPTER A. CLOSURE REQUIREMENTS

3705. COST ESTIMATE FOR CLOSURE

REGULATION:

3705.A. The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in LAC 33:V.3503–3517 and applicable closure requirements in LAC 33:V.1803, 1915, 2117, 2315, 2521, 2719, 2911, 3121, and 3203–3207.

Response:

3705.A. A detailed written estimate of the activities and corresponding costs to close the facility is presented in Section 3509.A of the permit application.

REGULATION:

3705.A.1. The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see LAC 33:V.3511.B); and

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Response:

3705.A.1. The closure cost estimate assumes that the expected maximum amount of waste is present onsite when closure activities begin. The maximum expected amount of waste is 55,950 pounds net explosive weight, based on all magazines being full, the burn area loaded for ignition, and a full day's burn being both in preparation and in trucks awaiting unloading.

REGULATION:

3705.A.2. The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of owner or operator in LAC 33:V.3703.A. The owner or operator may use costs for on-site disposal if he can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.

Response:

3705.A.2. The labor and material costs assume that closure is completed by a third party that is neither a parent nor a subsidiary of the corporation operating the facility. Onsite disposal cost do not apply. The non-hazardous treatment residues are shipped offsite for disposal.

REGULATION:

3705.A.3. The closure cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous wastes or non-hazardous wastes if applicable under LAC 33:V.3513.D, facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure.

Response:

3705.A.3. The closure cost estimate does not include any potential earnings from sales of the onsite storage, preparation or treatment structures, or equipment or property within the facility boundaries.

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REGULATION:

3705.A.4. The owner or operator may not incorporate a zero cost for hazardous wastes, or non-hazardous wastes if applicable under LAC 33:V.3513.D, that might have economic value.

Response:

3705.A.4. No untreated hazardous waste will remain onsite at closure. The zero cost factor does not apply to this facility and is not included in the closure costs.

REGULATION:

3705.B. During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with LAC 33:V.3707. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the administrative authority as specified in LAC 33:V.3707.F. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its *Survey of Current Business*, as specified in LAC 33:V.3705.B.1 and 2. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

3705.B.1. The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

3705.B.2. Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

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Response:

3705.B. LESTT will establish a financial mechanism in accordance with LAC 33:V.3707. Sixty days before the anniversary of the date that the mechanism was established, the closure cost estimate will be adjusted for inflation as necessary. LESTT may choose to make the inflation adjustment by recalculating the closure costs in current dollars or by using the inflation factor defined in LAC 33:V.3705.B and applying it in accordance with LAC 33:V.3795.B 1 and 2. The closure cost estimate presented in Chapter 35 was developed in 1992 and has been adjusted through the fourth quarter of 1996 using the implicit price deflator.

REGULATION:

3705.C. During the active life of the facility, the owner or operator must revise the closure cost estimate no later than 30 days after the administrative authority has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in LAC 33:V.3705.B.

Response:

3705.C. LESTT will submit revised closure cost estimates, if these costs change, within 30 days after receiving approval from the administrative authority to modify the closure plan. The revised closure cost estimate will be adjusted for inflation as described above in Item B.

REGULATION:

3705.D. The owner or operator must keep, at the facility during the operating life of the facility, the latest closure cost estimate prepared as specified in LAC 33:V.3705.A and C and, when this estimate has been adjusted as specified in LAC 33:V.3705.B, the latest adjusted closure cost estimate. The cost estimate must be available to the administrative authority by mail request also.

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Response:

3705.D. The closure plan and the closure cost estimate with current revisions from plan modifications or adjustments for inflation will be maintained at the facility until closure of the facility is complete. The closure plan and current cost estimates will be made available at all reasonable times, as well as by mail, to the administrative authority at its request.

3707. FINANCIAL ASSURANCE FOR CLOSURE

REGULATION:

3707. An owner or operator of each facility must establish financial assurance for closure of the facility. Under this Part, the owner or operator must choose from the options as specified in LAC 33:V.3707.A–F, which choice the administrative authority must find acceptable based on the application and the circumstances.

3707.A. Closure Trust Fund

3707.A.1. An owner or operator may satisfy the requirements of this Part by establishing a closure trust fund which conforms to the requirements of this Subpart, and submitting an originally signed duplicate of the trust agreement to the administrative authority. An owner or operator of a new facility must submit the originally signed duplicate of the trust agreement to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

3707.A.2. The wording of the trust agreement must be identical to the wording specified in LAC 33:V.3719.A.1, and the trust agreement must be accompanied by a formal certification of acknowledgment (for example, see LAC 33:V.3719.A.2). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.

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3707.A.3. Payments into the trust fund must be made annually by the owner or operator over the term of the initial permit, or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period." The payments into the closure trust fund must be made as follows:

3707.A.3.a. For a new facility, the first payment must be made before the initial receipt of hazardous waste for treatment, storage, or disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the administrative authority before this initial receipt of hazardous waste. The first payment must be at least equal to the current closure cost estimate, except as provided in LAC 33:V.3707.G divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

$$\text{Next Payment} = \frac{CE - CV}{Y}$$

where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

b. If an owner or operator has previously established a trust fund as specified in LAC 33:V.4403.A, and the value of that trust fund is less than the current closure cost estimate when a permit under these regulations is awarded for the facility, then the amount of the current closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in LAC 33:V.3707.A.3. Payments must continue to be made no later than 30 days after each anniversary date of the first payment made. The amount of each payment must be determined by this formula:

$$\text{Next Payment} = \frac{CE - CV}{Y}$$

where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the "pay-in period."

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4. The owner or operator may accelerate payments into the trust fund or he may deposit the full amount of the current closure cost estimate at the time the fund is established. However, he must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in LAC 33:V.3707.A.3.

5. If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in this Section or in LAC 33:V.4403, his first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this Section and LAC 33:V.4403.A, as applicable.

6. After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.

7. If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the administrative authority for release of the amount in excess of the current closure cost estimate.

8. If an owner or operator substitutes other financial assurance as specified in this Part for all or part of the trust fund, he may submit a written request to the administrative authority for release of the amount in excess of the current closure cost estimate covered by the trust fund.

9. Within 60 days after receiving a request from the owner or operator for release of funds as specified in LAC 33:V.3707.A.7 and 8, the administrative authority will instruct the trustee to release to the owner or operator such funds as the administrative authority specifies in writing.

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10. After beginning partial or final closure, an owner or operator, or any other person authorized to conduct partial or final closure may request reimbursements for partial or final closure expenditures by submitting itemized bills to the administrative authority. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its operating life. Within 60 days after receiving bills for partial or final closure activities, the administrative authority will instruct the trustee to make reimbursements in those amounts as the administrative authority specifies in writing, if the administrative authority determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the administrative authority has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, he may withhold reimbursements of such amounts as he deems prudent until he determines, in accordance with LAC 33:V.3707 that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the administrative authority does not instruct, the trustee to make such reimbursements, he will provide the owner or operator with a detailed written statement of reasons.

11. The administrative authority will agree to termination of the trust when:

- a. an owner or operator substitutes alternate financial assurance as specified in this Part; or**
- b. the administrative authority releases the owner or operator from the requirements of this Part in accordance with LAC 33:V.3707.I;**

Response:

3707.A. LESTT has established financial assurance for closure by obtaining an insurance policy in accordance with the requirements of LAC 33:V.3707.E.

REGULATION:

3707.B. Surety Bond Guaranteeing Payment Into a Closure Trust Fund

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3707.B.1. An owner or operator may satisfy the requirements of this Part by obtaining a surety bond which conforms to the requirements of this Paragraph and submitting the bond to the administrative authority. An owner or operator of a new facility must submit the bond to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and approved by the administrative authority.

2. The wording of the surety bond must be identical to the wording specified in LAC 33:V.3719.B.

3. The owner or operator who uses a surety bond to satisfy the requirements of this Part must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. This standby trust fund must meet the requirements specified in LAC 33:V.3707.A except that:

a. an originally signed duplicate of the trust agreement must be submitted to the administrative authority with the surety bond; and

b. until the standby trust fund is funded pursuant to the requirements of this Part, the following are not required by these regulations:

i. payments into the trust fund as specified in LAC 33:V.3707.A;

ii. updating of Schedule A of the trust agreement to show current closure cost estimates;

iii. annual valuations as required by the trust agreement; and

iv. notices of nonpayment as required by the trust agreement.

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- 4. The bond must guarantee that the owner or operator will:**
 - a. fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or**
 - b. fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin final closure is issued by the administrative authority, or court of competent jurisdiction; or**
 - c. provide alternate financial assurance as specified in this Part and obtain the administrative authority's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the administrative authority of a notice of cancellation of the bond from the surety.**
- 5. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.**
- 6. The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in LAC 33:V.3707.G.**
- 7. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the administrative authority, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.**
- 8. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator, and to the administrative authority. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.**

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9. The owner or operator may cancel the bond if the administrative authority has given prior written consent based on his receipt of evidence of alternate financial assurance as specified in this Part.

Response:

3707.B. LESTT has established financial assurance for closure by obtaining an insurance policy in accordance with the requirements of LAC 33:V.3707.E.

REGULATION:

3707.C. Surety Bond Guaranteeing Performance of Closure

3707.C.1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this Subsection and submitting the bond to the administrative authority. An owner or operator of a new facility must submit the bond to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and approved by the administrative authority.

2. The wording of the surety bond must be identical to the wording specified in LAC 33:V.3719.C.

3. The owner or operator who uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. This standby trust must meet the requirements specified in LAC 33:V.3707 except that:

a. an originally signed duplicate of the trust agreement must be submitted to the administrative authority with the surety bond; and

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b. unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

- i. payments into the trust fund as specified in LAC 33:V.3707.A;**
- ii. updating of Schedule A of the trust agreement (for example, see LAC 33:V.Chapter 37) to show current closure cost estimates;**
- iii. annual valuations as required by the trust agreement; and**
- iv. notices of nonpayment as required by the trust agreement.**

4. The bond must guarantee that the owner or operator will:

a. perform final closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or

b. provide alternate financial assurance as specified in this Part, and obtain the administrative authority's written approval of the assurance provided, within 90 days after receipt of both the owner or operator, and the administrative authority of a notice of cancellation of the bond from the surety.

5. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a final administrative determination by the administrative authority pursuant to R.S. 30:2025 that the owner or operator has failed to perform final closure in accordance with the approved closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure as guaranteed by the bond or will deposit the amount of the penal sum into the standby trust fund.

6. The penal sum of the bond must be in an amount at least equal to the current closure cost estimate.

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7. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the administrative authority, or obtain other financial assurance as specified in this Part. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

8. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the administrative authority. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.

9. The owner or operator may cancel the bond if the administrative authority has given prior written consent. The administrative authority will provide such written consent when:

a. an owner or operator substitutes alternate financial assurance as specified in this Part; or

b. the administrative authority releases the owner or operator from the requirements of this Part in accordance with LAC 33:V.3707.I.

10. The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the administrative authority releases the owner or operator from the requirements of this Part in accordance with LAC 33:V.3707.I.

Response:

3707.C. LESTT has established financial assurance for closure by obtaining an insurance policy in accordance with the requirements of LAC 33:V.3707.E.

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REGULATION:

3707.D. Closure Letter of Credit

3707.D.1. An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Subsection and submitting the letter to the administrative authority. An owner or operator of a new facility must submit the letter of credit to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The letter of credit must be effective before the initial receipt of hazardous waste. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

2. The wording of the letter of credit must be identical to the wording specified in LAC 33:V.3719.D.

3. An owner or operator who uses a letter of credit to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the administrative authority will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the administrative authority. This standby trust fund must meet the requirements of the trust fund specified in LAC 33:V.3707.A, except that:

a. an originally signed duplicate of the trust agreement must be submitted to the administrative authority with the letter of credit; and

b. unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

i. payments into the trust fund as specified in LAC 33:V.3707.A;

ii. updating of Schedule A of the trust agreement (see LAC 33:V.3719.A) to show current closure cost estimates;

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iii. annual valuations as required by the trust agreement; and

iv. notices of nonpayment as required by the trust agreement.

4. The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the following information: the EPA Identification number, name, address, and the amount of funds assured for closure of the facility by the letter of credit.

5. The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the administrative authority by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the administrative authority have received the notice, as evidenced by the return receipts.

6. The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in LAC 33:V.3707.A.

7. Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the administrative authority, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

8. Following a final administrative determination by the administrative authority pursuant to R.S. 30:2025 that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements

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when required to do so, the administrative authority may draw on the letter of credit.

9. If the owner or operator does not establish alternate financial assurance as specified in this Part, and obtain written approval of such alternate assurance from the administrative authority within 90 days after receipt by both the owner or operator and the administrative authority of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the administrative authority will draw on the letter of credit, beyond the current expiration date, the administrative authority will draw on the letter of credit. The administrative authority may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the administrative authority will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Part and obtain written approval of such assurance from the administrative authority.

10. The administrative authority will return the letter of credit to the issuing institution for termination when:

a. an owner or operator substitutes alternate financial assurance as specified in this Part; or

b. the administrative authority releases the owner or operator from the requirements of this Part in accordance with LAC 33:V.3707.I.

Response:

3707.D. LESTT has established financial assurance for closure by obtaining an insurance policy in accordance with the requirements of LAC 33:V.3707.E.

REGULATION:

3707.E. Closure Insurance

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3707.E.1. An owner or operator may satisfy the requirements of this Part by obtaining closure insurance which conforms to the requirements of this Paragraph and submitting a certificate of such insurance to the administrative authority. An owner or operator of a new facility must submit the certificate of insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and authorized to transact business in Louisiana.

2. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.E.

3. The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate, except as provided in LAC 33:V.3707.G. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

4. The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the administrative authority to such party or parties as the administrative authority specifies.

5. After beginning partial or final closure, an owner or operator, or any other person authorized to perform closure may request reimbursement for closure expenditures by submitting itemized bills to the administrative authority. The owner or operator may request reimbursements for partial closure only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for closure activities, the administrative authority will instruct the insurer to make reimbursements in such amounts as the administrative authority specifies in writing,

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If the administrative authority determines that the partial or final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the administrative authority has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, he may withhold reimbursements of such amounts as he deems prudent until he determines, in accordance with LAC 33:V.3707.I, that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the administrative authority does not instruct the insurer to make such reimbursements, he will provide the owner or operator with a detailed written statement of reasons.

6. The owner or operator must maintain the policy in full force and effect until the administrative authority consents to termination of the policy by the owner or operator as specified in LAC 33:V.3707.E.10. Failure to pay the premium, without substitution of alternate financial assurance as specified in this Part, will constitute a significant violation of these regulations, warranting such remedy as the administrative authority deems necessary. Such violation will be deemed to begin upon receipt by the administrative authority of a notice of future cancellation, termination, or failure to renew, due to nonpayment of the premium, rather than upon the date of expiration.

7. Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

8. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the administrative authority. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the administrative authority and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur and the policy

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will remain in full force and effect in the event that on or before the date of expiration:

- a. the administrative authority deems the facility abandoned; or**
- b. the permit is terminated or revoked, or a new permit is denied; or**
- c. closure is ordered by the administrative authority or a U. S. District Court or other court of competent jurisdiction; or**
- d. the owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or**
- e. the premium due is paid.**

9. Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate, and submit evidence of such increase to the administrative authority, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

10. The administrative authority will give written consent to the owner or operator that he may terminate the insurance policy when:

- a. an owner or operator substitutes alternate financial assurance as specified in this Part; or**
- b. the administrative authority releases the owner or operator from the requirements of this Part in accordance with LAC 33:V.3707.I.**

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Response:

3707.E. LESTT has established financial assurance for closure by obtaining an insurance policy in accordance with the requirements of LAC 33:V.3707.E, as stated above.

REGULATION:

3707.F. Financial Test and Corporate Guarantee for Closure

3707.F.1. An owner or operator may satisfy the requirements of this Section by demonstrating that he passes a financial test as specified in this Section. To pass this test the owner or operator must meet the criteria of either of the following:

a. The owner or operator must have:

i. either a ratio of total liabilities to net worth less than 1.5, or a ratio of the sum of net income plus depreciation, depletion, and amortization minus \$10 million to total liabilities greater than 0.1; and

ii. tangible net worth greater than the sum of the current closure and post-closure cost estimates and any other obligations covered by a financial test plus \$10 million; and

iii. assets located in the United States amounting to at least 90 percent of his total assets or at least six times the sum of the current closure and post-closure cost estimates and any other obligations covered by a financial test.

b. The owner or operator must have:

i. a current rating for his most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; and

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ii. tangible net worth greater than the sum of the current closure and post-closure cost estimates and any other obligations covered by a financial test plus \$10 million; and

iii. assets located in the United States amounting to at least 90 percent of his total assets or at least six times the sum of the current closure and post-closure cost estimates and any other obligations covered by a financial test.

2. The phrase "current closure and post-closure cost estimates" as used in LAC 33:V.3707.F.1 refers to the cost estimates required to be shown in Paragraphs 1-7 of the letter from the owner's or operator's chief financial officer (see LAC 33:V.3719.F).

3. To demonstrate that he meets this test, the owner or operator must submit the following items to the administrative authority:

a. a letter signed by the owner's or operator's chief financial officer and worded as specified in LAC 33:V.3719.F; and

b. a copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and

c. a special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

i. he has compared the data with the letter from the chief financial officer specified as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

ii. in connection with that procedure, no matters came to his attention which caused him to believe that the specified data should be adjusted.

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4. An owner or operator of a new facility must submit the items specified in LAC 33:V.3707.F.3 to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal.

5. After the initial submission of items specified in LAC 33:V.3707.F.3, the owner or operator must send updated information to the administrative authority within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in LAC 33:V.3707.F.3.

6. If the owner or operator no longer meets the requirements of LAC 33:V.3707.F.1, he must send notice to the administrative authority of intent to establish alternate financial assurance as specified in this Part. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

7. The administrative authority may, based on a reasonable belief that the owner or operator may no longer meet the requirements of LAC 33:V.3707.F.1, require reports of financial condition at any time from the owner or operator in addition to those specified in LAC 33:V.3707.F.3. If the administrative authority finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of LAC 33:V.3707.F.1, the owner or operator must provide alternate financial assurance as specified in this Part within 30 days after notification of such a finding.

8. The administrative authority may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his report on examination of the owner's or operator's financial statements (see LAC 33:V.3707.F.3). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The administrative authority will evaluate other qualifications on an individual basis. Based on the application, the circumstances and the accessibility of the applicant's assets, the administrative authority may disallow the use of this test. The owner or operator must provide alternate financial

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assurance as specified in this Part within 30 days after notification of the disallowance.

9. The owner or operator is no longer required to submit the items specified in LAC 33:V.3707.F.3 when:

a. an owner or operator substitutes alternate financial assurance as specified in this Part; or

b. the administrative authority releases the owner or operator from the requirements of this Part in accordance with LAC 33:V.3707.I.

10. An owner or operator may meet the requirements of this Section by obtaining a written guarantee. The guarantor must be the direct or higher tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements of LAC 33:V.3707.F.1–8 for owners or operators, and must comply with the terms of the guarantee. The wording of the guarantee must be identical to the wording specified in LAC 33:V.3719.H. A certified copy of the guarantee must accompany the items sent to the administrative authority as specified in LAC 33:V.3707.F.3. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide that:

a. If the owner or operator fails to perform final closure of a facility covered by the guarantee in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in LAC 33:V.3707.A in the name of the owner or operator.

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b. The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator, and to the administrative authority. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.

c. If the owner or operator fails to provide alternate financial assurance as specified in this Section and obtain the written approval of such alternate assurance from the administrative authority within 90 days after receipt by the administrative authority of a notice of cancellation of the guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.

Response:

3707.F. LESTT has established financial assurance for closure by obtaining an insurance policy in accordance with the requirements of LAC 33:V.3707.E.

REGULATION:

3707.G. Use of Multiple Financial Mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, insurance, and financial test and guarantee, except that the financial test and guarantee may not be combined. The mechanisms must be as specified in LAC 33:V.3707.A, B, D, E, and F, respectively, except that it is the combination of mechanisms, rather than the single mechanism, that must provide financial assurance for an amount at least equal to the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, he may use the trust fund as the standby trust fund for the other mechanism. A single trust fund may be established for two or more mechanisms. The administrative authority may use any or all of the mechanisms to provide for closure of the facility.

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Response:

3707.G. LESTT has established financial assurance for closure by obtaining an insurance policy in accordance with the requirements of LAC 33:V.3707.E.

REGULATION:

3707.H. Use of a Financial Mechanism for Multiple Facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the administrative authority must include a list showing, for each facility, the EPA Identification number, name, address, and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing the funds available through the mechanism for closure of any of the facilities covered by the mechanism, the administrative authority may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

Response:

3707.H. LESTT chooses to use a separate financial assurance mechanism for this facility.

REGULATION:

3707.I. Release of the Owner or Operator from the Requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, and for facilities subject to LAC 33:V.3525, after receiving the certification required under LAC 33:V.3525.B.2, the administrative authority will notify the owner or operator in writing that he is no longer required by this Section to maintain financial assurance for final closure of the particular facility, unless the administrative authority has reason to believe that

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final closure has not been in accordance with the approved closure plan or that the owner or operator has failed to comply with the applicable requirements of LAC 33:V.3525. The administrative authority shall provide the owner or operator a detailed written statement of any such reason to believe that closure has not been in accordance with the approved closure plan or that the owner or operator has failed to comply with the applicable requirements of LAC 33:V.3525.

SUBCHAPTER B. POST-CLOSURE REQUIREMENTS

3709. Cost Estimate for Post-closure Care

A. The owner or operator of a disposal surface impoundment, disposal miscellaneous unit, land treatment unit, or landfill unit, or of a surface impoundment or waste pile required under LAC 33:V.2315 and 2911 to prepare a contingent closure and post-closure plan, must have a detailed written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in LAC 33:V.3519, 3527, 2315, 2521, 2719, 2911, and 3207.

1. The post-closure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct post-closure care activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in LAC 33:V.3703.)

2. The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under LAC 33:V.3523.

B. During the active life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with LAC 33:V.3711. For owners or operators using the financial test or corporate guarantee,

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the post-closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before the submission of updated information to the administrative authority as specified in LAC 33:V.3711.F.5. The adjustment may be made by recalculating the post-closure cost estimate in current dollars or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its *Survey of Current Business* as specified in LAC 33:V.3709.B.1 and B.2. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

1. The first adjustment is made by multiplying the post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

2. Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

C. During the active life of the facility, the owner or operator must revise the post-closure cost estimate within 30 days after the administrative authority has approved the request to modify the post-closure plan, if the change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation as specified in LAC 33:V.3709.B.

D. The owner or operator must keep the following at the facility during the operating life of the facility: the latest post-closure cost estimate prepared in accordance with LAC 33:V.3709.A and C and, when this estimate has been adjusted, the latest adjusted post-closure cost estimate.

Response:

3709. Post-closure care and monitoring are not required for this facility as discussed in Section 3521 of this permit application. LAC 33:V.3709 does not apply, nor does LAC 33:V.3711 which discusses the methods of financial assurance for post closure care.

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§3711. Financial Assurance for Post-closure Care

Because no portion of Section 3711 applies to the site, the many pages of text regulation have not been printed to preserve resources.

SUBCHAPTER C. COMMON CLOSURE AND POST-CLOSURE REQUIREMENTS

3713. USE OF A MECHANISM FOR FINANCIAL ASSURANCE OF BOTH CLOSURE AND POST-CLOSURE CARE

REGULATION:

3713. An owner or operator may satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both LAC 33:V.3707 and 3711. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism has been established and maintained for financial assurance of closure and post-closure care.

Response:

3713. LESTT has established financial assurance for closure by obtaining an insurance policy in accordance with the requirements of LAC 33:V.3707.E. A financial mechanism does not need to be established for post-closure because post-closure care and monitoring is not required for this facility.

SUBCHAPTER D. INSURANCE REQUIREMENTS

3715. LIABILITY REQUIREMENTS

REGULATION:

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3715.A. Coverage for Sudden Accidental Occurrences. An owner or operator of a hazardous waste treatment, storage, or disposal facility, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in LAC 33:V.3715.A.1, 2, 3, 4, 5, or 6. For any facility that treats, stores, or disposes by land treatment (i.e., surface impoundment, waste pile, landfarm, or landfill) any acute hazardous waste (see Table 3 of LAC 33:V.Chapter 49), or any toxic waste listed because of toxicity or reactivity (see Table 4 of LAC 33:V.Chapter 49) the liability coverage must be at least \$5 million per occurrence, with an annual aggregate of at least \$5 million exclusive of legal defense costs.

Response:

3715.A. A copy of the insurance policy for the treatment facility is presented in Appendix 7. The insurance policy provides liability coverage for sudden accidental occurrences resulting in property damage or bodily injury. The liability coverage amounts are provided on the insurance certificate. This coverage will be maintained over the permitted life of the facility.

REGULATION:

3715.A.1. An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this Paragraph.

Response:

3715.A.1. The liability coverage consists of the insurance policy presented in Appendix 7.

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REGULATION:

3715.A.1.a. Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a certificate of liability insurance. The wording of the endorsement must be identical to the wording specified in LAC 33:V.3719.I. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.J. The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the administrative authority. If requested by the administrative authority, the owner or operator must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the certificate of liability insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste.

Response:

3715.A.1.a. The certificate of liability insurance is presented in Appendix 7. The wording of the certificate is identical to the wording specified in LAC 33:V.3719.J.

REGULATION:

3715.A.1.b. Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and authorized to transact business in Louisiana.

Response:

3715.A.1.b. The insurance policy is issued by a firm that is licensed to transact the business of insurance in Louisiana.

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REGULATION:

3715.A.2. An owner or operator may meet the requirements of this Section by passing a financial test or using the corporate guarantee for liability coverage as specified in Subsection G of this Section.

Response:

3715.A.3. An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in LAC 33:V.3715.H.

4. An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in LAC 33:V.3715.I.

5. An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in LAC 33:V.3715.J.

6. An owner or operator may demonstrate the required liability coverage through use of combinations of financial test, insurance, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this Paragraph, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurances as "excess" coverage.

3715.A.6. LESTT has elected to demonstrate liability coverage by obtaining a certificate of insurance.

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REGULATION:

7. An owner or operator shall notify the administrative authority in writing within 30 days whenever:

a. a claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in LAC 33:V.3715.A.1-6; or

b. a Certification of Valid Claim for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under LAC 33:V.3715.A.1-6; or

c. a final court order establishing a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under LAC 33:V.3715.A.1-6.

Response:

LESTT will notify the administrative authority in writing within 30 days if a claim results in a reduction of financial assurance, if a certification of valid claim is entered, or if a final court order establishing judgement is issued.

REGULATION:

3715.B. Coverage for Non-sudden Accidental Occurrences. An owner or operator of a surface impoundment, landfill, land treatment facility, or miscellaneous disposal unit that is used to manage hazardous waste, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator

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must have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator who must meet the requirements of this Section may combine the required per-occurrence coverage levels for sudden and non-sudden accidental occurrence into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and non-sudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and non-sudden accidental occurrences must maintain liability coverage in the amount of at least \$5 million per occurrence and \$10 million annual aggregate. This liability coverage may be demonstrated as specified in LAC 33:V.3715.B.1, 2, 3, 4, 5, or 6.

Response:

3715.B. A copy of the insurance policy for the treatment facility is presented in Appendix 7. The liability coverage provided by the insurance policy for non-sudden accidental occurrences resulting in property damage or bodily injury is noted on the certificates of insurance. This coverage will be maintained over the permitted life of the facility.

REGULATION:

3715.B.1. An owner or operator may demonstrate the required liability coverage by having liability insurance specified in this Paragraph.

Response:

3715.B.1. The liability coverage consists of the insurance policy presented in Appendix 7.

REGULATION:

3715.B.1.a. Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a certificate of liability insurance. The wording of the endorsement must be identical to the

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wording specified in LAC 33:V.3719.I. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.J. The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the administrative authority. If requested by the administrative authority, the owner or operator must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the certificate of liability insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste.

Response:

3715.B.1.a. The certificate of liability insurance is presented in Appendix 7. The wording of the certificate is identical to the wording specified in LAC 33:V.3719.I.

REGULATION:

3715.B.1.b. Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer in one or more states and authorized to transact business in Louisiana.

Response:

3715.B.1.b. The insurance policy is issued by a firm that is licensed to transact the business of insurance in Louisiana.

REGULATION:

3715.B.2. An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in LAC 33:V.3715.F and G.

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REGULATION:

3715.B.3. An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in LAC 33:V.3715.H.

3715.B.4. An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in LAC 33:V.3715.I.

5. An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in LAC 33:V.3715.J.

6. An owner or operator may demonstrate the required liability coverage through use of combinations of financial test, insurance, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this Paragraph, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.

Response:

3715.B.6. LESTT has elected to demonstrate liability coverage by obtaining a certificate of insurance.

REGULATION:

7. An owner or operator shall notify the administrative authority in writing within 30 days whenever:

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a. a claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in LAC 33:V.3715.B.1-6; or

b. a Certification of Valid Claim for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under LAC 33:V.3715.B.1-6; or

c. a final court order establishing a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under LAC 33:V.3715.B.1-6.

Response:

LESTT will notify the administrative authority in writing within 30 days if a claim results in a reduction of financial assurance, a certification of valid claim is entered, or a final court order establishing judgement is issued.

REGULATION:

3715.C. Request for Variance. If an owner or operator can demonstrate to the satisfaction of the administrative authority that the levels of financial responsibility required by LAC 33:V.3715.A and B are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain a variance from the administrative authority. The request for a variance must be submitted to the administrative authority as part of the application under LAC 33:V.Chapter 3 for a facility that does not have a permit, or pursuant to the procedures for permit modification under LAC 33:V.Chapter 5 for a facility that has a permit. If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the administrative authority's assessment of the degree and duration of risk

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associated with the ownership or operation of the facility or group of facilities. The administrative authority may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the administrative authority to determine a level of financial responsibility other than that required by LAC 33:V.3715.A and B. Any request for a variance for a permitted facility will be treated as a request for a permit modification under LAC 33:V.321.

Response:

3715.C. LESTT does not request a variance from the requirements of LAC 33:V.3715.A and B at this time.

REGULATION:

3715.D. Adjustments by the Administrative Authority. If the administrative authority determines that the levels of financial responsibility required by LAC 33:V.3715.A or B are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the administrative authority may adjust the level of financial responsibility required by LAC 33:V.3715.A and B as may be necessary to protect human health and the environment. This adjusted level will be based on the administrative authority's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the administrative authority determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill, or land treatment facility, he may require that an owner or operator of the facility comply with LAC 33:V.3715.B. An owner or operator must furnish to the administrative authority, within a reasonable time, any information which the administrative authority requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under LAC 33:V.321.

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Response:

3715.D. LESTT understands that the administrative authority may adjust the level of financial responsibility from the requirements of LAC 33:V.3715.A or B if it is determined that the amounts are inconsistent with the degree and duration of risk associated with the operation of the facility to human health and the environment.

LESTT understands that any adjustment in the level or type of coverage for the facility will be treated as a permit modification in accordance with LAC 33:V.321.

REGULATION:

3715.E. Period of Coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the administrative authority will notify the owner or operator in writing that he is no longer required by this Section to maintain liability coverage for that facility, unless the administrative authority has reason to believe that closure has not been in accordance with the approved closure plan.

Response:

3715.E. LESTT agrees to maintain liability coverage until the administrative authority provides a written notification approving final closure of the facility and terminating the requirements for liability coverage. LESTT understands that the administrative authority has a 60 day period from the date closure certifications are received from the applicant and the independent registered engineer to determine if closure has been properly completed and liability coverage is no longer necessary.

REGULATION:

3715.F. Financial Test for Liability Coverage

3715.F.1. An owner or operator may satisfy the requirements of this Section by demonstrating that he passes a financial test as specified in this Subsection. To

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pass this test the owner or operator must meet the criteria of either LAC 33:V.3715.F.1.a or b below:

3715.F.1.a. The owner or operator must have:

3715.F.1.a.i. tangible net worth greater than the sum of the amount of liability coverage to be demonstrated by this test plus \$10 million; and

3715.F.1.a.ii. assets located in the United States amounting to either at least 90 percent of his total assets or at least six times the sum of the amount of liability coverage and any other obligations covered by a financial test.

3715.F.1.b. The owner or operator must have:

3715.F.1.b.i. a current rating for his most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; and

3715.F.1.b.ii. tangible net worth greater than the sum of the amount of liability coverage to be demonstrated by this test plus \$10 million; and

3715.F.1.b.iii. assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the amount of liability coverage and any other obligations covered by a financial test.

3715.F.2. The phrase amount of liability coverage as used in LAC 33:V.3715.F.1 refers to the annual aggregate amounts for which coverage is required under LAC 33:V.3715.A and B.

3715.F.3. To demonstrate that he meets this test, the owner or operator must submit the following three items to the administrative authority:

3715.F.3.a. a letter signed by the owner's or operator's chief financial officer and worded as specified in LAC 33:V.3719.G. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as

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specified by LAC 33:V.3707.E, 3707.F, 3711.E and F and liability coverage, he must submit the letter specified in LAC 33:V.3719.G to cover both forms of financial responsibility; a separate letter as specified in LAC 33:V.3719.F is not required;

3715.F.3.b. a copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year;

c. a special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

i. he has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

ii. in connection with that procedure, no matters came to his attention which caused him to believe that the specified data should be adjusted.

3715.F.4. An owner or operator of a new facility must submit the items specified in LAC 33:V.3715.F.3 to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal.

3715.F.5. After the initial submission of items specified in LAC 33:V.3715.F.3, the owner or operator must send updated information to the administrative authority within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in LAC 33:V.3715.F.3.

3715.F.6. If the owner or operator no longer meets the requirements of LAC 33:V.3715.F.1, he must obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this Section. Evidence of liability coverage must be submitted to the administrative authority within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

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3715.F.7. The administrative authority may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his report on examination of the owner's or operator's financial statements (see LAC 33:V.3715.F.3). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The administrative authority will evaluate other qualifications on an individual basis. Based on the application, the circumstances and the accessibility of the applicant's assets, the administrative authority may disallow the use of this test. The owner or operator must provide evidence of insurance for the entire amount of required liability coverage as specified in this Part within 30 days after notification of disallowance.

3715.F.8. The corporate guarantee authorized for use to demonstrate financial assurance for closure and/or post-closure may not be used to demonstrate financial assurance for liability coverage.

REGULATION:

G. Guarantee for Liability Coverage. Subject to LAC 33:V.3715.G.2, an owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereinafter referred to as "guarantee." The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in LAC 33:V.3715.F.1–7. The wording of the guarantee must be identical to the wording specified in LAC 33:V.3719. A certified copy of the guarantee must accompany the items sent to the administrative authority as specified in LAC 33:V.3715.F.3. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

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REGULATION:

1. If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be), arising from the operation of facilities covered by this guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

2. In the case of corporations incorporated in the United States, a guarantee may be used to satisfy the requirements of this Section only if the attorney general or insurance commissioner of the state in which the guarantor is incorporated and the attorney general or insurance commissioner of Louisiana have submitted written statements to the department that a guarantee executed as described in this Section and LAC 33:V.3719.H.2 is a legally valid and enforceable obligation in that state.

3. In the case of corporations incorporated outside the United States, a guarantee may be used to satisfy the requirements of this Section only if the non-U.S. corporation has identified a registered agent for service of process in Louisiana and in the state in which it has its principal place of business, and the attorney general or insurance commissioner of Louisiana and the state in which the guarantor corporation has its principal place of business have submitted written statements to the department that a corporate guarantee executed as described in this Section and LAC 33:V.3719.H.2 is a legally valid and enforceable obligation in that state.

H. Letter of Credit for Liability Coverage

1. An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Subsection and submitting a copy of the letter of credit to the administrative authority.

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2. The financial institution issuing the letter of credit must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

3. The wording of the letter of credit must be identical to the wording specified in LAC 33:V.3719.K.

4. An owner or operator who uses a letter of credit to satisfy the requirements of this Section may also establish a standby trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust will be deposited by the issuing institution into the standby trust in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

5. The wording of the standby trust fund must be identical to the wording specified in LAC 33:V.3719.N.

I. Surety Bond for Liability Coverage

1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this Subsection and submitting a copy of the bond to the administrative authority.

2. The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in the most recent Circular 570 of the U.S. Department of the Treasury.

3. The wording of the surety bond must be identical to the wording specified in LAC 33:V.3719.L.

4. A surety bond may be used to satisfy the requirements of this Section only if the attorney general or insurance commissioner of the state in which the surety is incorporated and the attorney general or insurance commissioner of Louisiana have submitted a written statement to EPA that a surety bond executed

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as described in this Section and LAC 33:V.3719.L is a legally valid and enforceable obligation in that state.

J. Trust Fund for Liability Coverage

1. An owner or operator may satisfy the requirements of this Section by establishing a trust fund that conforms to the requirements of this Paragraph and submitting an originally signed duplicate of the trust agreement to the administrative authority.

2. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

3. The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created, the amount of funds in the trust fund is reduced below the full amount of the liability coverage to be provided, the owner or operator, by the anniversary date of the establishment of the fund, must either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this Paragraph, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden and/or non-sudden occurrences required to be provided by the owner or operator by this Section, less the amount of financial assurance for liability coverage that is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.

4. The wording of the trust fund must be identical to the wording specified in LAC 33:V.3719.M.

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Response:

3715.J. LESTT has elected at this time to obtain certificates of insurance to satisfy the requirements of LAC 33:V.3715.A and B.

K. Notwithstanding any other provision of LAC 33:V.Subpart 1, an owner or operator using liability insurance to satisfy the requirements of this Section may use, until October 16, 1982, a Hazardous Waste Facility Liability Endorsement or Certificate of Liability Insurance that does not certify that the insurer is licensed to transact the business of insurance, or eligible as an excess or surplus lines insurer, in one or more states.

Response:

3715.K. Because October 16, 1982 has passed, this section does not apply.

REGULATION:

Subchapter E. Incapacity Regulations

§3717. Incapacity of Owners or Operators, Guarantors, or Financial Institutions

3717.A. An owner or operator must notify the administrative authority by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in LAC 33:V.3707.F and 3711.F must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (see LAC 33:V.3719.H).

Response:

3717.A. LESTT will notify the administrative authority by certified mail if it is named debtor in voluntary or involuntary proceeding under Title 11 of the U.S. Code. The written notification will be submitted within ten days after the proceeding has commenced.

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REGULATION:

3717.B. An owner or operator who fulfills the requirements of LAC 33:V.3707, 3711 or 3715 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

Response:

3717.B. LESTT understands that it must establish other financial assurance in the event of bankruptcy of the insurance company or suspension or revocation of its license to operate. In such events, LESTT will submit proof of new financial assurance within 60 days of the receiving notification that the insurance company can no longer provide adequate coverage.

SUBCHAPTER F. FINANCIAL AND INSURANCE INSTRUMENTS

REGULATION:

3719. WORDING OF THE INSTRUMENTS

Response:

LESTT has elected to use its insurance to satisfy the financial requirements for closure/post-closure. Only the wording for this instrument is presented herein; the remainder of the instruments will not be printed to conserve resources.

3719.E. A certificate of insurance, as specified in LAC 33:V.3707.E or 3711.E, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

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CERTIFICATE OF INSURANCE FOR CLOSURE OR POST-CLOSURE CARE

Facilities Covered: [List for each facility: The Hazardous Waste Facility Identification Number, name, address, and the amount of insurance for closure and/or the amount for post-closure care (these amounts for all facilities covered must total the face amount shown below).]

Face Amount: \$ _____

Policy Number: _____

Effective Date: _____

The Insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for [insert "closure" or "closure and post-closure care" or "post-closure care"] for the facilities identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of LAC 33:V.3707.E and 3711.E as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Whenever requested by the administrative authority, the Insurer agrees to furnish to the administrative authority a duplicate original of the policy listed above, including all endorsements thereon.

I hereby certify that the wording of this certificate is identical to the wording specified in LAC 33:V.3719.E as such regulations were constituted on the date shown immediately below and that Insurer is authorized to conduct insurance business in the State of Louisiana.

[Authorized signature for Insurer]

[Name of person signing][Title of person signing]

Signature of witness or notary: _____ [Date]

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Response:

The Certificate of Insurance (Appendix 7) is worded as required.